

A N
Historical Essay,
SHEWING
That the CROWN and KINGDOM
November 1746 Robert O Effeord 4 shill sterling x
SCOTLAND,
x beside the binding which S is 10 shill scots
IMPERIAL
Da. AND *Lyon*
INDEPENDENT.

Wherein the Gross Mistakes of a late Book,
Intituled, *The Superiority and direct Domini-*
on of the Imperial Crown and Kingdom of
England, over the Crown and Kingdom of
Scotland, and of some other Books to that
Purpose are Exposed.

With an APPENDIX,
Containing the Copies of some WRITS and
SEALS, which illustrate this Subject.

By JAMES ANDERSON A. M.
Writer to Her Majesties Signet. *K*

EDINBURGH.
Printed by the Heirs and Successors of *Andrew Anderson*
Her Majesties Printers. To be Sold by the Book-
sellors of Edinburgh, MDCCV.

AN
HISTORICAL
OF
SCOTLAND
AND
INDIA
APPENDIX



THE
Preface

TO Appear in Print, in this mannerly Age, without Dédication or Preface, may be thought Unbecoming.

FOR Dedication, I must own, The performance is so small and mean, That it made me unwilling, to offer any trouble to a Patron; And I presume The Independency I maintain, has for Patrons, all true SCOTS-MEN, yea all Sincere well-wishers, of the peace and quiet of Britain.

FOR Preface, less may be said, Because some parts of the ensewing Treatise are introductory; wherein I have accounted for my undertaking of this province: That it was rather necessity than choice:

BEING thus, I hope any failures in the performance will be the more easily pardoned; especially when my only aim, is, to use my endeavours in the service of my Countrey. And I'm very sensible this Subject is already managed; and may be yet handled by others; with much more advantage:

BUT some, whose sentiments I regard,
were

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were pleas'd to think, That the Charters mention'd by Mr. Atwood, the author of the Treatise of, The Superiority of England, over Scotland, were what might be most amusing and observable in that Book; And he having slung me in, to vouch the most material of these deeds, I was necessarily obliged to answer; And being named, as a Witnes, my Testimony cou'd be given by none but my self.

THIS was the pressing motive, which engag'd me in this undertaking in relation to the Charters, and if to confirm, what's said of them, or to give light in this affair; I have launched out a little into other things; I hope it will not be thought foreign to the purpose.

OUR Independency hath of late not only been attack'd in Historical Treatises first, by Doctor Drake, and then by Mr. Atwood: But also we're insulted by a scurrilous reviling Pamphlet, set furth under the title of Select Fables. And beside ther's very lately published a plagiarious Treatise of the Account of Scotland &c. Where to make it more current, the Title Page is dabled with, Light to the Dependency.

THO' we're thus abus'd by some, yet several worthy English Authors, as Camden, Coke, Spelman, Selden, Temple,
and

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and others speak with Civility and respect of Scotland : And if the Calumnious Treatises asserting the Homage, shou'd only come in the hands of the Knowing, They were little to be regarded; But they may fall in the hands of some well meaning persons Neighbours and Strangers, who may be misled by bold assertions and glittering proofs.

THIS oblidges Us by the necessity of self defence, after repeated attempts upon the Sovereignty of our Crown, To vindicat our just right of Independency, and to lay open the unbecoming Artifices, that have been used in the Claim of Homage.

THE design of this Treatise, is to evince, That the Crown and Kingdom of Scotland, is Imperial and Independent; and that the pretences for the Homage Claim'd by England from Scotland, are chiefly founded upon Forgeries, vitiated or patcht up Laws, Fables, and extorted acknowledgments : which are the very shrewd signs of a bad Cause.

*IN this Essay I have bore a litle closs upon the Monks, Because they were the Incendiaries, who hatched that Claim, and deckt it up, with the gaudy and deluding dress of Fable, to perswade, that the Ho-
mage*

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mage was due in the more distant and remote ages ; and colour'd it with the abominable Juggle of Forgery, in the later times.

THIS Claim for sometime was managed only by word ; But at length these monkish Devices occasioned a very long and bloody War, wherein was sacrificed the lives of several Hundred Thousand Christians, who exercised the most barbarous cruelties upon one another.

UPON these things, no Good Man can look back, without the height of horror and concern : wherefore the reviving of this Claim is the proper office of a Fire-brand :

THIS hath made me, in some measure, treat Mr. Atwood beyond my inclination ; For tho' a calmness of temper, ought to accompany all disputes, with civil and candid Authors ; yet he having no place among such, It wou'd be an injury to ingenious enquirers, to place them and him upon a level ; and to give the same treatment, to the modest, and to the extravagant.

TO this performance, I have given the Title of an Essay ; For it becomes my years and experience, rather to enquire than to decide ; and upon good reason and proof, I shall be very ready to retract, and frankly own my escapes.

FOR

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FOR excuse, of what's amiss, in method and expression; I might lay claim to some ordinary pretences; But I rather throw my self upon the civility of the Reader: what I have Essay'd for the Service of my Countrey; Is with my Heart and Hand, without any by-end: and I have cloath'd my thoughts with such expressions as my low attainments did suggest, to make them intelligible, which is all I desire.

TO enforce my positions, I have brought testimonies, from some of the best English Historians; or else have voucht them by Charters, Seals and Records, and for illustration have placed them in an Appendix; being for the most part taken from the Originals; and if in the Transcribing of ancient deeds; wherein the Sillabication is different from what is now used; there may be any mistakes, especially in Letters, I hope to be excused:

AND upon the whole, seing I have charg'd the Invention and Revival, of the claim of Homage, upon particular persons; I may with freedom plead and expect; That what's amiss in the ensewing Essay, may be turn'd upon my self, and not upon my Countrey.

I HOPE none who considers, That the following Essay, Is chiefly concerning Ancient Charters, will think I turn my thoughts

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thoughts in a by-Road, when the knowledge of Writs is so agreeable to my Profession: And I acknowledg, That for some time, my spare hours have now and then been employ'd in Collecting of Copies of Charters, and of other Writs old and new, from Originals, Records and otherwise, and in excerpting from them, and I have made some Remarks upon the Form, Characters & Seals of Ancient Charters; For to understand them, is what I pursue, in matters of Antiquity.

TO this enquiry I was allur'd and invited by the sentiment of a great Master of our Laws and Stiles, the Learn'd and Judicious Lord Dirlton, exprest in his advice to an eminent Peer and Officer of State, about the Study of our Law; where this great Man Reqrates, that the knowledge of writs is so much slighted, and says, that the careful perusal of them, is a Great Introduction to understand the grounds of our Practick.

IF then in a research into the Rudiments of my Employment, any discovery hath falln in my way for the service of my Country; It gives me the greatest content: And in case hereafter I make any publick appearance, it will probably be, In relation to the Formula's and Stiles of Scots Writs Ancient and Modern.

*An Historical Essay,
shewing, That the
Crown and King-
dom of Scotland,
is Imperial and
Independent.*

IT might be thought, That all
Contest concerning the HO-
MAGE claim'd by *England* from
Scotland, was long ago laid aside,
and, at most, was to be used as the
Diversion of the Learn'd and Curious,
and not to be applyed to any present
Circumstance of Affairs ; But one Mr.
Atwood, a Lawyer, has taken upon him
to Revive this Debate, in a Book pub-
lished of late, under this Blustering
Title, *The Superiority and Direct Do-
minion of the Imperial Crown and King-
dom of England, over the Crown and*
A King-

Kingdom of Scotland : Where he handles the Argument, with an Inference and Tendency, of the outmost Import and Concern to a Kingdom.

IN this Book, I was much surpriz'd, to find my self dropt in as an Evidence, to vouch some Original Charters and Grants by our Kings, *In which* (says this Author) *Homage for the Kingdom of Scotland is so fully own'd, That it's hoped may prevent all further Denial, in a Matter so evident.* (1) And that one of these Original Charters, *puts the Homage beyond all Question, and will Convict all of wilful Blindness, who pretend not now to see the Superiority of England over the whole Kingdom of Scotland.* (2)

WITH what Manners, Mr. *Atwood* who was altogether unknown to me, as I presume, I was to him, hath adduc'd me as a Voucher, I shall not notice ; Only being occasionally at *London*, when this Book came Abroad, I enquired into the Character of him who had assumed so mighty a Province, and was credibly Informed, He was late chief Justice of *New-York*, laid aside for Practices best known to himself; That he was a bold Undertaker, and

(1) Page 253. (2) Page 542.

whose greatest Encouragement and Expectation in this Work was from the Bookseller ; And if the Sentiments which many of his Learn'd and Ingenious Countrey-men have of him, and of his Performance were known, They would render the Book altogether contemptible.

I WOULD willingly have communicated to more able Hands, what I knew in Relation to these *Charters* which Mr. *Atwood* mentions for proving the *Homage*; But since he has named me as an Eye-witness of the most important of them, I'm bound to publish what I know of the Matter, lest a Consequence of Acquiescing in the Authors Relation might be drawn from my silence, and I think my self the more under this Duty to my Countrey, because perhaps, of any *Scots-man*, I have had the best Opportunity to inspect these Charters, from which Mr. *Atwood* so Dogmatically infers the Homage of our Kings ; And therefore I cou'd neither Decline nor delay, to Contribute my weak Endeavours, to Vindicate the Honour and Memory of some of the best of our Kings, from being stain'd, with a base and voluntar Surrender of their Sovereignty, and with Entailing a Servitude

upon their People ; And to let the World know what Injury is done to our Ancient and Independent Crown, by notorious and repeated Forgeries of the Charters and Seals of our Monarchs.

BEFORE Entry upon the Consideration of these Charters, I hope it will not be unacceptable to give a short hint of the Design of this daring Book, and of some remarkable Passages in it ; Which I'm confident will justify and make good the Character given of the Author.

THIS forward Man under the imaginary Pretence, of our being Homagers to *England*, contendeth, that by the Act of Settlement of the *English* Crown, we are pre-determined in the Succession and Entail of our Crown, as a Consequence of our Homage, and in very plain Terms says, *That whoever duly succeeds to the Crown of England, will be ipso facto Rightful King or Queen of Scotland*, (1) And this being a bold Position, and needing Support, our Author to act the true part of an incendiary, calls in the Crown and Kingdom of *England* to be his auxiliaries, as

being interested in the Controversy by the Judgment of two old wise Parliaments; (1) and condemns the Moderns for giving up this Plea.

HE Treats our Crown with the slighting Terms of *supposed Imperial Crown*, (2) and *subordinat Crown*, (3) Yea annexed to the Crown of England, (4) And he gives to our Monarchs, the undervaluing Title of *Nominal Kings* (5) and of *Sub-reguli and Vice-roys* (6) and is pleased to complement us, by asserting the Honour of *Subjection as our Right* (7)

HE takes upon him to charge them, who set up for the Sovereignty of our Crown, with Impiety; and Impudently says, *That such a Liberty as is now contended for by them who set up for Patriots in Scotland, is contrary to GOD's Law, requiring Submission to that Imperial Crown under which he has placed them, and to their own most valuable Interests, as Men, and Reform'd Christians, and that they cannot assume this Liberty, without Impiety to GOD and their Country :* (8) And that this Duty of Sub-

(1) p. 4. (2) p. 2. (3) p. 557.
 (4) p. 4. & 226. (5) p. 15. (6)
 p. 4. (7) p. 49. (8) p. 559.

stuff, is to be found in this Book by any who will throw away so much time as to peruse it.

AGREEABLE to these Notions, are Mr. *Atwoods* Sentiments of Authors. He charges the Moderns in General with oversight, and preconceived opinions, and gives very unbecoming characters to many Learned Men, both *Scots* and *English*: He is indeed very favourable to *Jeoffrey of Monmouth* and *Harding* the Poet: and the Stories of *Brutus* and King *Arthur* are in great credit with him.

TO trace and answer all the whimsies, inconsistencies and extravagancies of this confus'd Author is not to be expected, But only that I shou'd touch what may give light in this matter, especially in relation to the Charters and Laws adduc'd for proof of the pretended superiority.

THAT the Kings of *Scotland* were subject in Homage for their Crown to *England*, has by degrees creep't into some *English* Histories; The most allowable ground of the mistake is, That our Kings, in ancient times, being very assisting to the *English* against their cruel Enemies the *Danes*, and that, for this and other considerations, The
kings

Kings of *England* did at different times bestow upon them some Northern Counties, and there were Leagues between the two Kings, whereby, perhaps the *Scots* were to assist the *English* on occasion : But even for these Counties, there is little or no evidence of Homage until after the Conquest.

THE more ancient and most approv'd *English* Historians recount nothing disagreeable to this ; For in them, I presume, we will not find HOMAGE or HOMAGER before the days of the *Conqueror* ; But other Historians of a later date, either by a design'd stretch to palliat the encroachments, made by some of their Monarchs, upon the Sovereignty of our Crown, or by lame Information, and confounding ancient Things with Modern Terms, have enlarg'd the Homage pay'd for what our Kings possess in *England*, to be also of the Kingdom of *Scotland*. Thus by Sophistry, drawing the fallacious consequence of a general from a Special.

THE Kings of *Scotland*, so long as they had Possessions in *England* after the Conquest, did justly pay Homage for them : But that any of our Kings did

(1) *Spelman Gloss. ad Voc. Homagium*
 pag. 296. pen. fin. No. Ed.

ever voluntarily acknowledg the King of *England*, as Superior and Overlord of their Crown, was alwise and still is denyed.

IT has indeed been the fate and misfortune of some of our Kings and Nobles when in Captivity, or by Compulsion and Force, to own the King of *England* as Superior; And have not the *English* Kings done the like to others, if not worse? But even these acknowledgments, have been renounced and released as *Extortions* and *Injuries*.

AMONG all the *English* Historians of any credit, *Holinshed* in his voluminous History, leads the van of the Homage-mongers, and hath mustered up all he could scrape together on this Subject, from other Writers, or which his own Invention could produce.

THESE endeavours to eclipse the Glory and Liberty of Our CROWN, and NATION, by a fictitious Homage, enflam'd the Zeal of the Learn'd and Judicious Sir *Thomas Craig* of *Riccartoun*, to Write an elaborat Treatise concerning this Homage, wherein this brave Patriot hath refuted all pretences of Homage, for the Kingdom of *Scotland*, by solid Reasons, and by clear Answers to the Instances given in History, and hath made plainly appear, that

any Homage pay'd by our Kings to *England*, was for the beneficiay Counties they enjoyed in that Kingdom. This Treatise was originally Written in Latine, and was of late accurately Translated, by our ingenious Country-man *Mr. George Ridpath*, who in his preface, hath demonstrat the Forgery of a Charter of Homage, by *King Malcolm the 3d*, commonly called *Canmoir*, of which more afterward.

I'M sorry to find the Learn'd and Ingenious *Mr. Tyrrel*, in the entry of so great an undertaking of *the general History of England*, to pass so severe, and I must say, unjust censure, upon our *Craig*, That in his Treatise of Homage, there be as many Errors as Lines: He is also blamed by others, for expressing too much heat against *Mr. Hellinshed*.

OUR *Craig's* learning and judgment hath, with so much justice, gain'd him an establish'd reputation, both at home and abroad, that his performances are judged equal to, if not above any of their kind; & where may we be allowed to discover the heat, which is said to be natural to Scotsmen, if not in defence of the Sovereignty and Independency of our ancient Crown, and Kingdom.

TAE

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TAE

THE claim of Homage, did for a long time ly dormant, until *King Henry the 8th of England*, made War against his Nephew our *King James the 5th*; And he emitted a declaration in 1542 wherein he expatiats on this Homage, which he pretends was due, by proofs from History, Instruments and records : And in the reign of his Son *Edward the 6th*, this Claim was enquired into, but the glorious *Queen Elizabeth* was so far from entertaining any such thoughts, that to prevent any jealousie, she published a Declaration in the contrair : And the Succession of our Kings to the *English Throne*, with the repeated Commissions for uniting of both Kingdoms, seemed to bury this dispute.

* 1703. BUT last year * *Dr. Drake* published (as he says) a posthumous Treatise of an anonymous Author, concerning the *Scottish & English History*, under the Title of *Historia anglo-scotica*, wherein are interspersed accounts of Homages, said to be performed by several of our Kings, by deeds under their seals, chiefly founded on the authority of *Harding* the *English* poetical Historian, who was a notorious Forger as shall be hereafter related.

(1.) In January 1568.

THO

THO several Historians, in the threed and course of their History, have mention'd this Homage; yet never any did undertake the argument singly by it self, until Mr. *Atwood* published his Book, from a whimsical fancy of his own, that it might serve a turn; And to make his undertaking the more favourable, he tells that he is descended of *Scots* progenitors.

IN the days of our learned *Craig*, the most pregnant proofs of the Homage, were adduced from History, for albeit the Declaration of War, by *Henry the 8th*, speaks of several Deeds & Instrument of Homage, under the Seals of our Kings, yet there is none particularized, except the base and known instrument of subjection of *Baliol*, and therefore this worthy Gentleman saith, *If any Man can produce deeds for this Homage, write by either party or Charters and ancient Monuments, corroborated by their Seals, then they have something, to which they may give Credit* ¹. And the Learned *Sir George Mackenzie* is of the same Sentiment ², and without peradventure Charters are the most sure and convincing proofs.

(1) *Scotlands Sovereignty Asserted* p. 202.

(2) *Treatise of precedency & Herauldry* p 9.

MR. *Atwood* fancies, that he has answered all *Sir Thomas Craigs* Arguments: But with how great weakness, & with how many inconsistencies, is at first view apparent: And thinking to gain the cause by *Sir Thomas's* own concession, he pretends to answer the Objections, made by Mr. *Ridpath* against King *Malcom's* Charter ¹, and for support of it, makes an induction of several other Charters, and above all, of some in the Archives of *Durhame*, & with a singular civility brings me in to vouch them ².

THIS, upon the Consideration before mentioned hath drawn me to give my Testimony, which I shall endeavour to perform with all Candor, having no design, either to Ingratiate or offend, but to make a free and impartial Enquiry after Truth; For tho' I'm a Native of *Scotland*, yet I must own the many Civilities and Favours, of the brave *English* Nation, and that the ingenious persons there, who favour'd me with Converse or Correspondence, did express their dislike, of Mr. *Atwoods* Enterprize, and as a demonstrative Evidence of their Indignation against it; & of their sincere Love of Truth, did without any disguise or reserve com-

(1) pag. 219. (2) pag. 253.

municat

municat to me, when I was in *England*, and since my return, Transcripts of any Writings I desir'd for giving light in this matter.

OF all Proofs in History, none are so concluding and pointed as Charters: They speak for themselves, and need no Rhetorical Embellishments and Flourishes to perswade; Which hath made ancient Charters and Records, so much the study of this inquisitive Age: For Histories being overgrown with Legends of Miracles and Visions on the one hand, and larded with many Romantick Fables, and Traditions on the other, there was no safe way left, to correct what's amiss, to clear what's obscure, and to add what's wanting, but a diligent search into records and ancient Muniments; And all persons, of true worth and Generosity, frankly communicat and lay open these Noble store-houses, which are so very useful for the Discovery of Truth. But even in these valuable and rich Treasuries are to be found false Deeds, of which some are contriv'd with more, and some with less Artifice; And therefore are not implicitly to be relied upon, but are to be examin'd, and may be disprov'd by Form & Character, which

which in ancient Times was very uniform, in the respective Periods of Time ; and by Seals since they were us'd, and by the Witnesses and other pregnant Circumstances.

THE most corrupt Mint-house of Charters were the Cloysters; Here the idle and luxurious Monks devised mischievous Forgeries, to enrich themselves, & to aggrandize their Monarchs, that they might be protected by them in their unjust Spoils: And these cunning Serpents instil'd in Men of Honour and Arms, that it was below them to be subject to the Drudgery of Learning to Read and Write, and so kept the Knack to themselves; For of old none but Church-men were Clerks and Notaries, which encourag'd and Embolden'd them in such *Leger de main* and Jugling Tricks : And Discoveries are frequently made of Forg'd Deeds : And especially in the Archives of Religious Houses, which were in the Custody of the Monks, for nothing in former times was proof of Monkcraft, And all prudent Men will narrowly canvass ancient Charters, when adduc'd in any matter which touch the Interest and Credit of a privat man, but much more, when they call in Question the Sovereignty of a Crown and Kingdom.

EVEN

EVEN credulous Mr. *Atwood*, when he finds a Charter in his way, of our *King Robert the 2d*, while he was Steward of *Scotland*, he then charges the Priests of the *Scots Colledge at Paris* with forging of it (as being expert at that Trade) for no other Reason, but because that *Robert*, when Steward, used the Plural Number in his Charters ¹, which is no mark of Forgery ; For tho' the *English Nobility* use not the Plural Number, yet ours do: Blind Zeal makes many a stumble, and it's pretty comical in Mr. *Atwood*, when he meets with any thing to his Purpose, from a Monkish Historian, he Avouches it as Gospel ; But when the Pope, the infallible Father is on our side, he calls his Authority *Hells-fire* ².

AMBITIOUS Princes, never wanted a Pretence to Overtop their Neighbours, when their Power was able to second their Inclinations, and bad men are ever ready to justify the Practices of their Kings by unbecoming Methods : Of this, we are an Instance, when to colour a Pretence, for Wreathing a Yoke of Servitude upon us, The Knight errant Adventure of *Brutus*

a true *Trojan*, who in the Days of *Ely* and *Samuel*, Dispossess'd the Giants, the then Inhabitants of this Isle : and the fabulous Division of *Britain* among his three Sons, with a Condition of Homage by the Younger to the Elder ; And the Cant of the Romantick Victories, of the famous King *Arthur*, over a long Tribe of Kings, Dukes, Kingdoms, and Provinces ; And the ridiculous Miracle of the Thumping Stroke of King *Athelstan's* Sword, flapping a great Gap an Elbow long in a flint Rock near *Dumbar*, after a Prayer, to honest St. *John* of *Baverly*, to shew he was true Superior of *Scotland*: and the vain Whim, of *Edgars* being row'd over *Dee*, with eight Kings as Water-men, are all devised by the Monks, and used as Evidences to support the Homage for the ancient *British* and *Saxon* Times ¹, and a parcel of forg'd Charters, vitiated or patched up Laws, and extorted Acknowledgments of Superiority, are brought in, as a counter-part for the later Times.

I MUST own, Mr. *Atwood* hath brought me, upon a very undesirable Province, by naming me as an Eye-

(1) *Vide Epist. Edm. I. ad Papam.*
wit-

witness of some Charters of Homage. These are edg'd Proofs against the Honour of my Countrey ; From which, there is no Protection or Defence, but a Recrimination of Forgery, and the Publishing of some things, which, at first were only design'd for privat use : To this I'm Compell'd by the natural Law of Self-defence. And our Gracious Queen in her last Letter, to our Parliament, hath shown a great concern, for the SOVERAIGNTY OF OUR CROWN, which clearly evinces Her Majesties Dislike, of any Insults made upon our Independency.

NONE seem to have suffer'd more, by abominable Monkish Devices, than some of our Kings, whose Charters and Seals have been frequently Forg'd and Counterfeited, to Favour an imaginary Homage ; And I presume, it may justly be thought, That if a Tract of Forgeries can be Demonstrat, it will render all Proofs from History, in this Matter very suspected; seing it furnishes good ground to believe, That the Historians, who mention this Homage are either Vitiat by Interpolations, for such Corruptions are not to

be question'd, when Forgeries of Charters and Seals are practis'd : Or other-ways, it may be rationally suppos'd, That the Historians have been Misled by Reports, and Informations, arising from these Counterfeit Deeds.

TO Consider all the suppos'd *Saxon Charters*, mentioned by our Author, is not worth the while, tho they did bear Homage, because they are the Testimony of a Party : But there's nothing in them, from which so much as a strain'd Inference can be made, but from the big and swelling Titles of the Granters, which they might assume, or the Monks Hammer out at Pleasure.

IT'S meer Whim in Mr. *Atwood* to think, that from *Caedwalla's* designing himself in a Charter (tho Genuine) *Deo disponente Rex* 1, without any Limitation implied his Sovereignty of *Britain*, for this *Caedwalla* is reckon'd among the Kings of the West Saxons, and Predecessor of the memorable *Ina*, who was the first imagin'd Monarch of *Britain*, and for the clearer Manifestation of his Right, was e'en dignified and chosen by an *Angel*, according to the jumbled infections, of the Laws ascrib'd to King *Edward* the

Confessor 1, Which Laws our Author adduces as potent Evidences of the Homage ; But it's easy to make appear, that the Paragraphs of these Laws pointing at the Homage, are newly wedg'd in, and are a spurious after-growth ; and so of a piece with Fable and Forgerie.

THE next Charters are from *Athelstan* and *Edgar* of *England*, with some flourishing Titles not worth the Notice. Our Author seems not to want some Suspicion of *Edgar's* Charters 2, and Mr. *Tyrrel* is more plain in the Matter 3. The most important Charter of *Edgar*, which supports the Titles of *Athelstan*, and of all *Athelstan's*, *Edgar's* and *Cnuts* Charters, bears the most extensive Titles, and is the Charter cited by the Author else where 4, I'm afraid will not endure the Touchstone, which brings all the rest under gross suspicion. And it is remarkable, this Charter begins thus; *Altitonantis Dei largiflua Clementia, qui est Rex Regum & Dominus Dominantium*, ego *Eadgarus Anglorum BASILEUS, omniumque Regum, insula-*

(1) *Lambards Archaionomia fol: 137.*

(2) *pag. 537.* (3) *Hist. Vol. 1. Book 6. pag.*

12. (4) *p. 194. dependence of Ireland.*

Oceani que Britanniam circumjacent, cunctarumque nationum que infra eum includuntur, Imperator & Dominus, &c. which may be Translated thus, By the bountiful mercy of GOD, who thunders from on High, who is King of Kings and Lord of Lords, &c. O execrable villany ! What wou'd not these Monks do, who dared to front a falsehood, with the lofty and glorious Titles of the All-seeing JEHOVAH : And the Charter of this *Edgar*, transcribed by our Author, with the Subscriptions of so many Kings, it at first view smells rank of the Cloyster, and is nothing to the purpose ; for its empty to think, that any persons Witnessing a Deed, doth infer their subjection to the granter.

WHATEVER Mr. *Atwood* may say, of feudal Tenures in *England* before the conquest, yet they are positively disprov'd, by a very Learn'd and Judicious Antiquary, the famous Sir *Henry Spelman*, in his Treatise of Tenures, wherein he tells, *That the Conqueror, after the Example of Hugh Capet of France, made Feuds Hereditary ; and that the Feudal words in the Charters cited by Ingulfus, are not such in the*

Original Saxon, but only Translated with Terms adapted to the Norman customs ¹; And this great Antiquary, who was so very conversant in ancient deeds and records, challenges any, to *shew him a Charter in the Saxon Tongue before the Conquest, wherein any Feudal word is apparently expressed* ².

If then Feudal Tenures were not in England, until after the conquest; It's a demonstrative proof, of the Forgery of our *Malcolm's Charter* to the *Confessor*, yea fully redargues, the demanding or giving any Leige Homage before the conquest : Our Author foreseeing this, *blames Sir Henry Spelman of Bigotry* ³ ; which shews him a perfect Stranger to his Writings: In all which, there breaths a remarkable modesty, worthy of imitation : And he also tacitly insinuates a jealousy of these Remains being Genuine ; But there's no ground of Suspicion, being so like their Father *Sir Henry Spelman* : And the *Treatise of Tenures*, is Printed from a fair Copy in the *Bodleian Library*, Corrected by the Authors hand ⁴; And these Remains are published, by a very Learn'd

(1) *Reliquiæ Spelmanneanæ* pag. 5. (2)
ibid. pag. 8. (3) pag. 25. (4) *prefat. ad reliquias.* and

& Industrious Editor, the Reverend Dr. *Edmund Gibson*, who has singularly obliged this Age, with Publishing these and other venerable pieces of Antiquity and History. But *Spelman* is not singular in these thoughts, he is seconded, by a very Learned and Assiduous Judge in Antiquity, the Reverend Dr. *Hicks*, who is scurvily treated by our snarling Author; But the Doctors great skill in ancient Writes, is so notour, that his opinion is of much weight; And the great and laborious work, which is quickly expected from him, and his ingenious associat Mr. *Wanley* will be a great help in the Study of ancient Writes, and assist to discriminat the genuine from the spurious.

THE next Charters which come to the field, are these of our own Kings; Here are the Champions of the Cause; And the first is a very plain Charter of Homage, said to be granted by *King Malcolm* the third of *Scotland*, commonly called *Canmoir* to *Edward* King of *England*, generally stiled the Confessor, who was the Predecessor of *William* the conqueror.

I'M unwilling to cloy the Reader, by giving the Charters, and some other

ther important Writs in this controversy at length ; But shal endeavour faithfully to rehearse, what seems most material in them; and for the satisfaction of the curious, shall subjoyn full Copies in an Appendix.

THE Charter of *Malcolm Canmoir* is among the Archives in *Westminster*, and was engraven by Direction of the Learn'd Mr *Rymer* Her Majesties Historiographer, But without any design, to enforce the Homage, or to use it as a genuine Charter, as may be seen, from his first Letter to the *Bishop of Carlile* ¹, Where it's evident, Mr. *Rymer* look't upon it as a Forgery: And tho' our Author frequently makes honourable mention of the Historiographer, and that very deservedly, yet he doth never in the least insinuat, That Mr. *Rymer* by causing this Charter to be engraven, design'd thereby to vouch the Homage.

THE Substance of this Charter is ², That King *Malcom* and his Son *Edward Earl of Carrick and Rothesay*, own'd that they held the Kingdom of *Scotland* of *Edward* the son of *Ethelred* King of

(1) pag. 18. (2) *Vide ad longum in appendix: Num. 1.*

England, Leige Lord of Scotland, as their Predecessors are well known to have done, according to the ancient Records of the Crown; And that this Charter was granted at *York*, in the 9th Year of King *Malcolm's* Reign; with consent and advice of *Margaret* his consort, and of *Edgar Atheling* her Brother, and of several other Nobles of *Scotland*.

THIS Charter, as is said before, is disprov'd by Mr. *Ridpath*, in his Preface, to the Translation of Sir *Thomas Craig's* Treatise of Homage, by several Arguments, and especially by this; That Queen *Margaret*, and her Brother *Edgar Atheling*, are consenters in this Charter, and yet this Queen was not Married to King *Malcolm*; nor did she & her Brother come to *Scotland* till after the Conquest, and so after the death of the *Confessor*, to whom this Charter is granted; And thus, It was impossible, that *Edward* the Son of *Malcolm*, could joyn in a Charter with his Father, when he was not born.

OUR Author attempts to answer Mr. *Ridpath's* Objections, and to this Choking one, he faintly says, That the *English* Historians, do only relate Queen *Margaret*, and her Brother's going to *Scotland*

Scotland, in transitu ¹. Whereas ther's nothing in these times more remarkable, than their leaving the Court of the Conqueror, and coming to *Scotland*; And it is a passage very memorable; for *Edgar Atheling* was the true and undoubted Heir of the *English* Crown, and in Vindication of his Right, he & his Brother in Law, our King *Malcolm* with a numerous Army of *Scots*, in conjunction with some eminent Persons of the *English* Nobility and Clergy, who had come with, or after him to *Scotland*, made an Inroad as far as *York*.

THE right Reverend and Learn'd Bishop of *Carlile*, in the *Historical Library* of *Scotland*, owns that Mr. *Ridpath* has deservedly expos'd, and convicted this Charter of several Notorious and undeniable marks of Forgery ²: And the worthy Prelate tells us, That among the *Lord Longueville's Collections*, is a Charter under this Title *Homagium factum Edwardo filio Ethelred, A.D. 1043*: And says, It's the very same with that publish'd by Mr. *Rymer* ³.

THIS piece of Justice, done us by the Learn'd Bishop, has mightily ex-

(1) pag. 221. (2) page 278. (3) *ibid.* page 281.

asperat our Author against his Lordship; and to support the Charter of *Malcolm*, by making the different dates of the two Copies agree, Mr. *Atwood* will shew his Knowledg in Chronology, by the difference between the *Dionysian* and *Evangelical* Computation; Which he thinks Salves all the Difficulty of the different Dates; For between these two Æras, there is 22 years, and hereckoning, that our King *Malcolm* came to the Crown in 1056, and adding thereto nine years, because of this Charter being dated in the ninth of his Reign, makes 1065, from which 22 being substracted, there arises 1043, which exactly quadrats with the Charter of the Lord *Longueville*, and thus both Dates are very agreeable; And our Author is so vain of this mighty Turn and Discovery, That with an assuming air, he says, *Thus we have a demonstrative Evidence of the Truth of both Records, one as an Original, and the other as an Exemplification* 1. But our slippery footed Author, who is pleased without any ground to charge others with Inadvertency, commits here a most manifest Blunder;

For most Historians reckon by the *Dionisian* Æra ; And according to them, *Malcolm* was King in 1056 or 1057, and was kill'd at *Anwick* in 1093: And the *Dionisian* year 1057, was by the Evangelical Computation 1079; So our Author falls, in the gentle Escape of taking Substraction for Addition ; and drops into a petty Chronological Mistake of 44 years, or thereby : That the *Dionisian* Calcul is 22 short of the *Evangelical*, is clear from *Marianus Scotus* ¹, *Gervasius Derobornensis* ², and *Florence of Worcester* ³, Which last, our Author cites, for the different way of Computation : And if Mr. *Atwood* had been pleas'd to look upon that Author, he wou'd find, that in the 1043, according to the Evangelical Æra, *Cnute* was King of *England*; And that in the *Dionisian* year 1043, and for several years after, *Makbeth* was King of *Scotland* ; So by both Computations, this Charter must be a Forgery ; The Granter and Receiver not being Cotemporaries : And further, if the Rambler, had glanc'd upon his Voucher *Florence*, for the Year

(1) *Chron: lib. 1. cap. 10.* (2) *Inter decem Scriptores pag. 133⁸.* (3) *Lib. 2. & deinceps.* 1068

1068 Dionisian, and 1090 Evangelical, he wou'd find this Author telling us, That *Edgar Atheling* and his Mother *Agatha*, and his two Sisters *Margaret* and *Christian*, went to *Scotland* : How will our Author make this agree, with the Charter in any view ? And much more, if it be consider'd, That it must be several Years after this ; For *Edward* a Son of the Marriage, between our King and his Queen this *Margaret*, is consenting. And if the Death of *Malcolm* be consider'd, that it was in 1093 *Dianisian* year, and in the 1115 *Evangelical* year ; And that in 1043, he had Reign'd nine Years, and had a Son capable to consent to a Charter ; Mr. *Atwood* will make our *Malcolm*, a very ancient Gentleman : But there's no supporting of Forgeries, unless by gross Absurdities.

LEST this Charter shou'd be found an Imposture, our Author strains his Fancy to palliat the Matter, by telling us, *That if it be counterfit, it must have been counterfited by the Scots to justifie their Claim to a Kingdom of Scotland* : Which is a Notion so very Fantastical, and an Original of Mr.

Atwood, that it merits no Answer.

THO' what's already said, be more than sufficient, to demonstrat this Charter to be Counterfeit; Yet there be several other clear Marks of Forgery in it.

FIRST, The Character of this Charter, is by hundreds of Years, after our *Malcolm's* Time. Besides in the nice Criticisms of ancient Writs, The Syllabication of *Scotorum* in this Charter is wrong; For it is with a single *T*. whereas, in old genuine Charters, it is writ with a double *T T*.

SECONDLY, *Malcolm* speaks, in the plural Number; Which in his Days, and for many years after, was not us'd by the Kings of *England*, nor by our Kings: For tho' the first using of the plural Number by the Kings of *England* be not brought down so low, as the Reign of King *John*, according to the opinion of the Learn'd Lord chief Justice *Coke*, noticed by the Right Reverend Bishop of *Carlisle*, yet it will not by far run so high, as the time either of the *Confessor* or *Conqueror*. But

THIRDLY, To this Charter is appended a Seal with a plain Coat of Arms; Bearing the Armorial Ensigns of *Scotland*, viz. A *Lyon Rampant*.

(1) *Engl. Hist. Lib. part 3. page 9.*

within
page 10

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(1) *Engl. Hist. Lib. part 3. page 9.*
within

within a double Tressur, Flowr'd and Counter-flower'd with Flower de Lis's : Which for Illustration, I have caused to be engraven, and is a demonstrative evidence of Forgery : For it may be questioned, if in these days, Seals were affixed to Charters in England. Ingulphus, who was for many Years, in the Conquerors Court, both before and after he came to England, being his Secretary in Normandy, and was made Abbot of Croyland, when he came to England, and so may be thought to know the Customs of these times, tells us, *That the Normans changed several Customs in England ; And among others, That they condemn'd the old Custom, of the Solemnities of Writings which was by Subscriptions with Golden Crosses, and other sacred Marks ; (whereof there were sundry in Ancient times) and also tell us, that they call'd Writings which before went under the name of Chirographa, Charters : And constant the Solemnities of Charters, in the Impression of Seals upon Wax, in presence of three or four Witnesses ingross in the Dead . And of this the Learn'd Mabillon takes par.*

(1) Hist Ingulphi edit. oxon. 1684
inter Vet. Script. rerum Anglicarum tom.
1. page 70. particular

ticular notice, in his most curious Treatise *De Re Diplomatica* ¹. However it may with great Assurance be said, That before the conquest, & for many years after it, neither the Kings of Scotland, nor of England, us'd Seals in their Charters, bearing Armorial Ensigns, of which more afterward. And at present, it shall suffice to notice, that the Conqueror's Seal, had not any Vestige of Arms : Which is evident, from a Copie of it, as appended to a Charter given us, by the very Learn'd Selden; in his Notes upon *Eadmerus* ².

THE fallshood of this Charter is also apparent; By considering the time, when our King *Malcolm*, was Married to Queen Margaret: *Turgot* their Contemporary, prior of *Durham*, and afterwards Bishop of *St. Andrews*, Who wrote their Lives, saith, They were Married in 1067 or 1070 ³, And with him other *English* Historians agree: And thus after the Conquest; How then cou'd King *Malcolm*, with consent of his Queen, pay Homage to the *Confessor*; when he was a long time in his Grave, before their Marriage? So this Char-

(1) p. 169. (2) p. 166. (3) Selden: in prefat. ad decem Scrip. page 24.

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THE falshood of this Charter is also apparent; By considering the time, when our King *Malcolm*, was Married to Queen *Margaret*: *Turgot* their Contemporary, prior of *Durham*, and afterwards Bishop of *St. Andrews*, Who wrote their Lives, saith, They were Married in 1067 or 1070 ³, And with him other *English* Historians agree: And thus after the Conquest; How then cou'd King *Malcolm*, with consent of his Queen, pay Homage to the *Confessor*; when he was a long time in his Grave, before their Marriage? So this Char-

(1) p. 169. (2) p. 166. (3) Selden: in prefat. ad decem Scrip. page 24.

ter is a most manifest Forgery, by variety of proofs.

THIS Charter of Homage, by King *Malcolm*, not being able to keep ground of it self; Our Author brings in as he thinks, a mighty support and Reinforcement, from an Original Charter, of our King *Edgar*, the Son of this *Malcolm*, and from other Original Charters granted to the Abbay of *Coldingham*, now kept in the Dean and Chapter's Treasury at *Durham*; And if we believe him, *This Charter of Edgar is free from all possible Imputation of Forgery*, And will give the Decisive stroke, in this contraverfy; And remove all suspicion of Forgery, of the Charter of King *Malcolm*, the Father of *Edgar*.

TO make way for the more easie belief of this doughty proof; our Author ushers it in, with a brief Abstract, of the History of these Times; to this purpose.

KING *Malcolm Canmoir*, with his eldest Son, being kill'd at *Anwick* in *Northumberland*, *Dufenal* or *Donald* his Brother became King; And was set aside by *Duncan*, *Malcolm's* Bastard Son, who mounted the Throne, with

assistance of the *English*: But the *Scots*, would not suffer *Duncan* to continue to Reign, until he sent the *English* Home, (a brave Evidence of the *Homage* indeed) And in a little time after, *Duncan* was kill'd by his Subjects, & *Donald* Restor'd

THEREAFTER the King of *England* issued his precepts, requiring all his Vassals, to attend him at Christmas Court; If they expected his peace and protection; But *Donald* slighted this Protection; And he poor unfortunate Prince, having committed an unpardonable piece of stubbornness & ungratitude, by not undertaking a long Winter Journey of 600 Miles, in going and coming, to keep Christmas with his Superior, he must be Proscrib'd and dethron'd: Wherefore, about Michaelmas 1097, The King of *England* sent a great Army to *Scotland*, under the command of *Edgar Atheling*, and subdued it, and made *Edgar*, the Son of King *Malcolm* and Queen *Margaret*, and the Nephew of *Edgar Atheling* King of *Scotland*.

THEN our Author produces, the nailing Evidence; The Charter of this our King *Edgar*, owning the Homage for the Kingdom of *Scotland*; and confirming the Charter of *Malcolm*;

Which being of great Importance, he ingrosses it at some length¹, and I have also given a Copy of it, and more full in the Appendix 2.

IN this Charter, our King *Edgar*, Owns, *That he did possess the Kingdom of Scotland, by the Gift of his Lord, William King of England ; And with consent of his said Lord King William,* he gives to GOD Almighty, and to the Church of *Durham*, and to the Glorious Bishop *St. Cuthbert*, and to *William* Bishop, and to the Monks of *Durham*, and their Successors, the Mansions of *Berwick* and *Coldingham*, and several other Lands which his Father *Malcolm* had : And this Charter bears, to be granted in presence of *William* the Bishop, and *Turgot* the Prior and others, and is marked with the Crosses of *Edgar*, and of his Brother and Successor *Alexander* and of other Nobles.

TO Enforce the Authority of this Charter, our Author cites a Letter published in the Appendix to the 2^d Volume of the Historie of the Reformation of *England*: Which Letter was writ by *Tunstal* Bishop of *Durham* in the Reign of

(1) page 248. (2) Numb. 4. (3)
page 106. Num. 9. Edward

Edward the 6th, to the Lord Protector *Somerſet*, and to the Council of *England*, in answer to a Letter from them to the Bishop, ordering him to search his Records, for any thing that might clear *Edward* the 6th's Title to *Scotland* : In that Letter, the Bishop assures the Protector and Council, That he had found many Homages by the Kings of the *Scots*, to the Kings of *England*, and sent them Copies of these Homages ; and Reminds the Protector, of an Original Charter, under the Seal of *Edgar* King of *Scots* ; Which the Bishop says, he shew'd once to the Lord *Maxwell* in presence of the Protector ; and that, he the Bishop, had also found a Confirmation by *William Rufus* of *Edgar's* Charter, and to establish the Faith of all these Deeds, our Author sets down a Charter of King *John* to the Prior and Monks of *Durham*, confirming the Grants of all Lands made to them, and among others of *Coldingham*, according to the Charter of *Edgar*, King of the *Scots* 1.

THESE glaring Proofs, of the Homage, so pufft up our Author, That, with an Air of Assurance, he deter-

mines the Controversy ; Because, he thinks that by these Charters the Homage was made evident, & put beyond Denyal and Question, and condemns them as blind who will not now see the Superiority of *England* over *Scotland*: And he Attacks Mr. *Ridpath* for concealing these clear Evidences of Homage ¹, related in the History of the Reformation; for that he had Impugn'd the truth of *Malcolm's* Charter, because it was not mention'd in that History ; And then he falls on the Bishop of *Carlisle*, for favouring our Independency, and disproving *Malcolm's* Charter, when he had published a List of our Kings Grants to *Coldingham*, kept at *Durham* , Wherein the Homage is so manifest ² : And to Rivet the Matter, he is pleas'd to favour his humble Servant, with the obliging Office, to be Voucher of these ancient and powerful Proofs, of our Subjection, and Homage : And that it may be thought, we were very concern'd about these Charters, he says, I was sent from *Scotland* to inspect them ³.

I PRESUME to think, That few

(1) page 250. (2) page 252. (3) p. 253.
or

or none, except our Author, would have adventur'd to publish, such pointed and convincing Proofs, in an Argument of such Concern; And when an Inference, of the greatest Import, is drawn from it; Without a very nice and strict Enquiry: Which our Author cannot pretend to, for his Voucher, for this invincible Proof and Charter, is a Copy set down, in the 45th Leaf of the first Volum, of the *Monasticon Anglicanum*: And with all Respect to the Memory of the Learn'd Compilers, it is handed to the World, with an unaccountable Blunder and Mistake: For the Introductory Paragraph runs thus; *In Tempore Regis Willielmi primi, & Willielmi Dunelmensis Episcopi, Edgarus Rex Scotorum, dedit Sancto-Cuthberto, & Ecclesie Dunelmensi, Coldingham-Schyre; Sub eo qui sequitur Tenore*; Which Paragraph, may be thus Translated. *In the Days of William the first, King of England, (viz. the Conqueror) And of William Bishop of Durham, Edgar King of Scotland, made a Grant to St. Cuthbert, and to the Church of Durham, of Coldingham Shire, of the Tenour following*: And then comes the Charter. Here is a manifest Error, for it's

it's notour and uncontested, that *William* the first, dyed in *September* in the year 1087, and was Buried, at *Caen* in *Normandy*, Ten or Eleven years, before our *Edgar* was King ; And this cou'd not but stare any Man broad in the face, who pretends to know the least thing of these Times. And our Author, in the third or fourth Line, before he sets down a Copie of this Charter, Remarks, That *Edgar* became King in the year 1097 : Which was in the tenth year, of the Reign of *William* the second called *Rufus* : How then cou'd our *Edgar*, after he was King, grant a Charter of Homage, in the days of a King, who before *Edgar* began to Reign, had rested full ten Years in his Grave : But good Mr. *Atwood* having already, as a specimen of his Chronology, taken *Substraction* for *Addition* ; He may be excus'd for not observing a difference, between *first* and *second* : And if the Printer shou'd be blam'd, and this slip reckon'd among the Errata ; yet I am afraid, this plausible pretence, will not preserve, the credit of that Charter. For what if *William* Bishop of *Durham*, in whose

time also the Editors of the Monasticon, make this Charter to be granted; yea more, who is a Witness in it; be found in *Limbo patrum*, before our *Edgar* was King; Who as such granted it? Will not our Author shew himself a very cautious Spark? And yet he takes upon him, to censure the Learn'd and worthy Bishop of *Carlile*; As being unwary in publishing a List, of these Charters at *Durham*, without consulting the Originals: This indeed is the height of impudence, and the treatment, of the right Reverend Prelate, is still more abusive, when, it's sure, there is no Original, Extant at *Durham* of the Charter of *Edgar*; which is Copied in the Monasticon, and Transcrib'd by our Author; And consequently this Charter, neither is, nor could be placed, in the List published by the Bishop: Ther's indeed at *Durham* a Charter of *Edgar* under Seal; And is probably what Bishop *Tonstal* shew'd, to the Protector *Somerset*, and to the Lord *Maxwell*: Which in the detail shall be accounted for. But our Author is so muddy, to confound the Copie in the Monasticon, with this Charter under Seal, and even this Charter under Seal, is not in

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the List, that was communicat to the Learn'd Bishop : And in all the five Charters, of this our King *Edgar*, in that List, There is not one Sillable, or the least appearance or shadow, of Homage, by our Kings : But rather clear marks of their Sovereignty : As will be hereafter manifested.

OUR Author is also very injurious, to the Ingenious Mr. *Ridpath* ; For he in the Preface, to his Translation of *Craigs* Treatise of the Homage, only undertakes to disprove the Charter of *Malcolm* ; Which being Engraven by Mr. *Rymer's* direction, might give him to think, it was designed for proof of the Homage : But there being no motion, about *Edgar's* Charters, It was not in his Road, to nottice them. And if our Author had that quality, which he thinks, others want ; He would have notticed, That when the right Reverend Author of the History of the Reformation, Doctor *Burnet*, now Bishop of *Sarum*, one of the great Ornaments of the Reform'd Church, And of our Countrey ; did publish Bishop *Tonstal's* Letter, in relation to the Homage ; he at the same time, subjoyns a Letter, from the Nobility and Gentry of *Scotland*, to the Pope ; As a counter-

counter-proof and Evidence, of our
Independency 1.

IF the Bishop of *Carlile*, and Mr.
Ridpath, think it worth the while, They
are by far more capable than I, to vin-
dicat themselves, in these particulars;
But for truth's sake, I think my self
bound, to do them this piece of Jus-
tice.

WHAT is already said, I hope,
is sufficient, to remove any appear-
ance of Homage, from the Charters
at *Durham*; As they're manadged by
Mr. *Atwood*: but he having brought
Bishop Tonstal's Letter in the field,
Which perhaps may be of that weight,
to incite some abler hand, to peruse
the Records at *Durham*, and put some
Charters kept there, which were grant-
ed to the Abbay of *Coldingham*, in a more
agreeable dress; and by this Revive
and set on foot, a new ground of Dis-
pute; I shall therefore candidly relate,
what Charters and Records I did see
there, which have the least shew of
Homage; And place them in the most
favourable light, that my capacity can
reach; And with all Submission, shall

(1) *Appendix to the Hist. of the Reform.*
2 Vol. Num. 10.

offer some Remarks upon them. chiefly founded on the Authority of English Historians.

THE Abbay or Priory of *Coldingham*, being a Cell of the Monastery of St. *Cuthbert* of *Durham*, The Repository of the Archives of that Abbay, was justly in the Treasury of the Cathedral of *Durham*: And I must beg the Readers favour, before I open what I did see in these Archives, in Relation to the Homage; To be allowed, to give some passing account of the Religious House at *Coldingham*; And of my Pilgrimage to *Durham*, to visit the valuable Reliques of our Antiquities there.

I WILL not trouble the Reader, with Discanting upon the Antiquity of this Place of *Coldingham*; That it is supposed to be the *Cotonia* mention'd by *Ptolemy*, nor with the Accounts given of *Coldana*, *Colludum*, or *Colludesburg*, which is also thought to be *Coldingham*, and was a very ancient Monastery of Monks and Nuns; Wherein the famous Virgin Queen, tho' twice Married, *Ethelfrida* became Religious, who is Recorded with ma-

(1) *Camb: Brit: Scotia.*

ny Encomiums by the venerable *Bede* ; Nor with the History of the Fire from Heaven, that destroyed this Monastery, for the promiscuous Conversations of the Monks and Nuns related by the same Author : Nor shall I enter upon the Conjecture, suggested by the Learn'd *Selden* ; That from this *Colludum*, a large and fruitful Seminarie of Priests, did the *Culdei* take their Name ; Nor yet with the account of the second Conflagration, at this place of a Nunnery, burnt by the *Danes*, under their terrible Chistians and Tyrants, *Hingnar*, and *Hubba* ; After the Nuns, to preserve their Chastity, had disfigur'd their Faces, by cutting off their Noses, and Upper-Lips ; Nor of the mistake of a Modern Historian, who places *Coldingham*, in *Yorkshire*. These things being somewhat Forreign to my purpose ; But shall briefly touch, what concerns the History, of the Abbay or Priorie of *Coldingham* ; To which the Grants at *Durham*, do Relate.

(1) *Hist. Eccl. lib. 4. cap. 19.* (2) *cap. 25.*
 & *Sin. Dunelm. inter X Script. pag. 16.*
 (3) *prefat. ad X Script. pag. xi.* (4) *Math. Westm. ad annum 870.*

THE

THE Religious House at *Coldingham*, of which some Vestiges yet remain ; Was founded by our King *Edgar* the Son of *Malcolm Canmoir*, and his good Queen *Margaret*, who began his Reign in 1098 ; And in the Ruins of this old Fabrick ; There's yet a part of it to be seen, called to this day *Edgars-Hall*.

THE Church of *Coldingham*, was dedicated to the Virgin *Mary* ; As a Cell of the Church of *St. Cuthbert* of *Durham* ; This is Evident by many Charters granted to *Coldingham*, where in the Donatory Clause runs to *St. Mary*, and to *St. Cuthbert*, and to the Monks of *Durham*, at *Coldingham*.

AT the Dedication of this Church, according to the Devotion of these Times, King *Edgar* made an offering, upon the Altar, of several Eleemosinary Gifts, to the Church of *Coldingham* ; and bestowed other Donations upon it, which are to be seen in his Genuine Charters; set down in the Appendix 1.

THE founding of this House, by King *Edgar*, to the Honour of *St. Cuthbert*, is confirm'd by two ancient Charters made by one *Thor*, an eminent person in those days, who, apparent-

ly, for his Stature, had the Epithet given him of *Longus*, and is a Witness, in the Charter of *Edgar*, that relates to the Dedication : Those Charters of *Thor* do mention, that he, with Assistance of his Prince King *Edgar* founded the Church of *Eadnabam*, in Honour of St. *Cuthbert* ; Which Church was ever a part of the Spirituality of *Coldingham*. And the Seal appended to these two Charters, seem to me worthy of Remark ; For it is done, in a Convex Form, and the Impression is so clear and fine, that it evidently Demonstrats the nice Engraving of the Seal ; From which, I hope, it may be inferr'd that in ancient Times, we have had exquisit Artists, even equal with our Neighbours : And for satisfaction of the Curious, I have given in the Appendix, a Copy of one of those Charters, and of the Seal ; But far short of the Original.

THE Prior of *Coldingham* was presented by the Convent of *Durham*, and was admitted to the Spirituality, by the Arch-Bishop of *St. Andrews* ; And to the Temporality, by the King of *Scotland*.

BY Progress of time, this Abbay, or Priory of *Coldingham*, came to be among the most extensive and richest Benefices of this Kingdom : This will be evident, if we either consider the many Donatives of Lands, made to it, by the Grants at *Durham* ; Or the Rental of this Benefice, given up, in Pursuance of the *Act of Assumption* in 1561 ; Wherein is a considerable Revenue, both of Temporality and Spirituality.

THE Right Reverend Bishop of *Carlisle*, oblidged the Learn'd World, with a most useful and desirable Work of an *Historical Library of England* ; which met with a Reception, suitable to so good an Undertaking : And his Lordships Goodness and Generosity, was not circumscribed, to his own Country ; But extended even to us, in an excellent Treatise published by him, under the Title of *An Historical Library of Scotland* ; Wherein we have many things laid before us, worthy of Perusal and Remark : And among other valuable Matters, his Lordship gives us, *A List of the Charters of several of our Kings and Nobles granted*

(1) *Secundum Copiam penes Auth.*

to the Abbey of Coldingham, kept in the Dean and Chapter's Treasury at Durham, communicat to him by the Reverend Doctor John Smith Prebendary of Durham, a very worthy Person, who beside a rare Talent of Preaching, and other suitable Qualifications of a Divine, is indued with many becoming Accomplishments of a Gentleman. To those two Learn'd and worthy Persons this Nation is much obliged, by letting us know, where so many of our valuable ancient Deeds and Writings be; Which by their being justly lodg'd at *Durham* have escap'd the repeated miserable Fates, that most of our ancient Charters and Records have undergone; *First*, by the general Havock and designed Extirpation of our Memory, by *Edward the first*; Who carried off or destroyed all the Marks of our Antiquity, and Independency; Yea even the Rights of our Lands, that came in his Clutches, with the famous Library kept at *Reftennet* 2. Next by the burning of the City of *Edinburgh*, by the *English* under the Command of the Duke of *Lancaster*, and

(1) Page 363. (2) *Spotswood Church Hist. ad ann. 1300.*

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(1) Page 363. (2) *Spotswood Church Hist. ad ann. 1300.*

thereafter by the Destruction, or Transportation of the most of what was left, by the Popish Clergy, at the Reformation : And lastly, by the carrying up of our Records to *London*, in the late Civil Wars, and the Disaster, that besel them, in their Return ; Which are Subjects too Melancholly, to be furdher insisted upon. To Return then:

THIS Hint given of so many ancient Charters at *Durham*, induc'd me when I was occasionally traveling that Road, to desire the favour of a sight of them, which was allow'd in a most obliging Manner ; Where beside those in the forementioned List, I observed a great Store and Collection of other Charters and Deeds, granted to *Coldingham*.

TO make some Acknowledgment, for this Favour, there was sent hence to *Durham*, a List of the large and valuable Collection of Manuscripts, in the Library of the Honourable Faculty of Advocats of *Scotland*. And in Return, there came thence to this Faculty, a full and curious Repertory or Inventory of all the Grants at *Durham*, made to *Coldingham*, in a most exact method & worthy of Imitation. And I was
favour'd

r'd, with the Office of presenting it ;
Which was most kindly received, by
this Learn'd Society, with all Thank-
fulness, truly due to the Reverend and
Learn'd Clergy of *Durham*, for so va-
luable and acceptable a Present.

ALONG with those Correspon-
dences, was a free and frank Offer on
both sides, suitable to Persons of Lear-
ning and Generosity, of Communica-
tion of Notes or Transcripts.

THE Reportory, sent hither, con-
tained so rare and fine a Collection of
Charters, by our Kings, Nobles, Cler-
gy and Gentry, that it justly excited
a Desire, to have them inspected :
And I was desired, by some of the
Learn'd Faculty, and other Worthy
Persons, to undertake this Province ;
And was the more easily prevail'd with,
because this choise Collection consist-
ed of ancient Charters ; And the
Knowledge of their Form, was agree-
able to my Profession ; And useful to
any, who may have occasion to in-
spect or inventory Charter-chifts ; * * Repo-
So; in this Undertaking was the uni-*sitories*
ted Views of Divertisement and Im-*of Writ-*
provement ; And there was no De-*ings.*
sign or Prospect, to make particular
Enquiry, concerning any Charters or
G 2 Deeds,

Deeds, relating to the Homage ; But meerly to inspect so large a Store, of our Antiquities : Which upon many Oceaſions, might prove uſeful.

IN September 1703, I went to *Durham*, and ſtayed ſome few days, where I was favour'd, with very obliging Civilities and Courteſies, from the Right Reverend and Right Honourable Lord Biſhop of that See, *My Lord Crew* ; And from the Honourable Maſter *Dean* ; and Reverend Chapter of *Durham* ; who were pleas'd to uſe me, with the greateſt Humanity, ſo natural to that Learn'd and worthy Body of Clergy : And their favours to me, upon this and other occaſions, are equally above my thanks, and expreſſion. And as an Indication of their generous and Communicative Diſpoſition, and of their reſpect to my Countrey ; did with great cheerfulneſs, lay open to me the great ſtore of *Scots Charters* and Writings in their cuſtody.

THIS good Office will be the more apparent, by a ſhort Recapitulation of the Charters to be ſeen here.

THE moſt Ancient, is a Charter of King *Duncan* ; Which being ſingular, in ſome things, my Honor'd Friend Sir *James Dalrymple* is to Publish it

it with Observations.

IN this curious Collection, are several Original Charters of our Kings, *Edgar, Alexander and David*, the Sons of King *Malcolm Canmoir*, and of his good Queen *Margaret* : Here be likewise some Original Charters of this King *David*, before he came to the Crown, when he had the of *Title Comes*; Several Charters of his Son *Henry*, also Stiled *Comes*; Who dyed before his Father; Many Charters of King *Malcolm the 4th*, commonly called *the Maiden*, and of King *William*, the Sons of *Henry*, several Charters of King *Alexander the second and third*; And some Charters of King *Robert the Bruce*, and of his Son King *David the 2d*; And of King *Robert the 2d and 3d*, and of our King *James the first*.

IN these Royal Deeds, are to be found as Witnesses, the Predecessors or Branches of many Noble and Ancient Families, and among others of the Families of *Graham, Lindsay, Home, Bruce, Erskin, Lundie, Livingston, Hay, Keith, Maxwell, Giffard, Frazer, Ramsay, Seton, Somervill, De Quinci, Riddel, Swintun, Hastings, Berkley, Lauder, Coburn, Baliol, Sibbald, Moubray, Wardlaw, Arm-strong, Crawford, Haige,*
 &c.
 AMONG

AMONG these numerous *Grants*, are many Charters of the Great, Ancient, and Noble *Earls of March and Dumbar*, with their Seals for several Generations ; Some of which bear evident Marks of Antiquity : There be also some Charters of *Robert Duke of Albany* ; And of the Earls and Countes of *Douglafs, Marr and Murray*.

IN this Noble Collection are the two Charters formerly mention'd granted by *Thor Longus* ; And Charters by several other Persons of Note ; Such as, *Willelmus de Lindefey, Eadward de Lastalrig, Willelmus de Veteri Ponte, Gnaterius & Clarebaldus de Olifard, Willelmus de Mordington, Everardus de Pencatlaht, Walterns de Bois, Radulfus de Bonkill, Willelmus de Vallibus, &c.* Who are also Witnesses in severals of the Royal Charters.

HERE are two Original Charters, granted by King *David*, commonly called *Saint David* ; To the Predecessor of *Swintun* : Wherein he is termed *Miles*, and is to hold his Lands as freely, as any of the Kings Barons.

IN this Treasury is to be found, a great number of Charters, Granted or Witnessed by the Predecessors or Branches, of many of our Ancient Families

lies and Surnames ; Especially of those who ly nigh to the South Borders ; Such as, of the Name and Family of Aiton, Blakader, Aldcumbus, Nisbet, Scot, Quicksnide, Alderngave, Paxtun, Hedenham, Birkenfide, Purrock, Chantun, Fleming, Jedwire, Prendergest, Lambertun, Kinkborn, Reington, Wiseman, Lumsden, Dunning, Happer, Stampard, Cogane, Ploumer, Hebburn, Houborn, Beniston, Trere, Billingham, Layfingam, Stuts, Trereman, Bruning, Scryppe, Page, Edinton, Hale, Lowlen, Routbyry Lumlayea, Merington, Hamer, Hutley, Frebern, De la tale, Golin, Scrimmerston, Goclin, Newbiggen, Coleman, de Candela, Kinorefide, Preston, Witeflay, De Hert, Gray, Lethem, Waddell, Park, Feryng, Spens, Atkinson, Wardlaw, Brun, Russel, Ralston, Bellcrayk, Ridpath, Lermouth, Hart, Dale, Lettell, Smelholm, Purvas, Eccles, Crumbe, Becket, Papedy, Goodwin, Renel, Burdun, Gourly, Ewing, Edger, Steinston, Fenton, Curry, Newton, &c.

THERE be here some Donors, & Witnesses, named by their Offices ; As Cancellarius, Dapifer, Senescallus, Camerarius, Constabularius, Marefcallus, de pincerna, de Sigillo, Clericus, Capellanus, Coronator, de Camera, Scriptor, Cantor, Braciat

ter,

tor, Faber, Elemosinarius, Hostiarius, Cocus, Celerarius, Portarius, Pastor Prepositus, Janitor, Forrestarius, Vicarius, de la Wardrobe, Mason, &c.

IN the Recital, of those Families, Surnames, and Offices, I have observed no order of Time ; But placed them, as they fell in my way ; Without any regard to their Precedency.

HERE are also some Grants, of the Kings of England, and Bulls of Popes, with curious and intire Seals, inclosed in Wooden Capsulas.

HERE be many ancient Charters, of the Bishops of *St. Andrews, Robert, Arnald, Richard, Rodger, Willelm, David, Gamelin* ; And of some other Bishops of that See : And Deeds by the Chapter of *St. Andrews* ; And two Charters by the Bishops of *Glasgow, Jocelin, and William.*

HERE are also some notable Deeds, by some Abbots, Priors, and Arch-Deacons, and their Officials.

HERE are many Deeds, of the Bishops, Priors and Convents of *Durham* ; And of the Priors, and Convent of *Coltingham* ; And so well have these Deeds been preserved, that the Seals of all these Church-men are intire ; And of the most Ancient and Remarkable
of

of them, I did take Draughts, and it's worthy Notice that there's a Tract of Seals, of the Bishops of St. *Andrews*; With this Inscription; upon the Ring :
 SIGILLUM ————— EPISCOPI
 SCOTTORUM ; This in some Measure, supports the Independency of our Church ; Which is already clear'd by the Learn'd Sir *Robert Sibbald*, who will be seconded in that Argument, by the Honour'd and knowing Sir *James Dalrymple*.

IN this Store, there be several ancient *Rent-Rolls* ; Upon the back of one of them, is the Exposition of some Feudal Words and Terms : And with these Rent-rolls are joyn'd some *Tacks*, *Acts of Court*, and *Index's* of some Deeds, that have been produced in Process.

HERE are the *Services* and *Retours*, of the heirs of many of the Vassals of *Coldingham* ; And several *Agreements* and *Settlements*, made with the Prior and Convent, of diverse kinds.

HERE be some *Processus in Curia Romana* : And among others a very full and tedious Process, against *Patrick* and *John Homes* ; Containing great variety of Matter and Writings.

THERE are also in this Store, ma-

ny publick *notorial* Instruments, of different Kinds ; As of Appeal, Agreement, Induction, Protestation, Transumpt, Inspection, Transcription, Admission, Citation, Constitution of Procurators, &c.

THERE be likewise some *Missives*, *Indentures*, *Memorials*, and many Copies of *Writings*.

IN brief, there's in this valuable Collection, about 90 Royal Charters and Grants ; About 52 Deeds, by Nobles and Barons, about 266, by Gentlemen ; About 131 by Popes, Bishops, Abbots, Priors and Convents, and other Religious Persons and Houses ; And about 130 other Original Deeds and Copies ; Which will amount in all about the number of 670.

THESE Charters are yet more valuable, and the favour of the Reverend Clergy of *Durham* more obliging, when it is considered ; That our Records, having as is said, undergone and suffer'd many misfortunes ; Ther's here yet preserved, the Original Charters of three of our Kings ; Whereof we know no other Originals extant : And further, here and here only, so far as is yet known, is to be had, a
full

full and compleat series of the true and Genuine Seals undefac'd, of our Kings, since *Malcolm Canmoir*, to our King *James the second*; And with much civility, I was allow'd to take draughts of them, which are of great import; For at first view they serve, to discriminate the Genuine Charters of these Kings, from such as are spurious: And however these things may to some seem dry and Barren, yet even these Seals protect us from Forgery, yea as will hereafter appear, they establish our Independency, and these Charters let us know, our forms in Ancient times, and in them are Witnesses, which support the Authority and Antiquity of our old Laws; And they furnish us almost, with a full List of our Officers and Ministers Civil and Ecclesiastick, for a long tract of time: And they even give us some hints, of our Ancient Government, and of the Antiquity and import of some Offices and other things, which our Historians have not toucht.

WHEN I tell these things, I presume I need not enlarge upon the civility of the truly Great and mighty *English* Nation in General, or of the worthy and Learn'd Clergy of *Durham* in particular; Those free and frank com-

munications, are manifest evidences of Generosity ; And I hope all my good Countrey-Men, whenever occasion offers, will make grateful acknowledgments, and returns of these favours, to that Reverend and Learn'd Body ; And its the only favour, I owe Mr. *Atwood*, that he has furnish'd me with an opportunity, to make my publick and deserv'd acknowledgment, of their endearing civilities.

HAVING thus digress'd, I return to my purpose, concerning what Deeds I saw at *Durham*, that may insinuat or carry any umbrage or suspicion of Homage, by the Kings of *Scotland*, to the Kings of *England* : What occur'd to me was as follows.

IN this Treasury, Ther's an old Copy of the Charter of Homage already mention'd granted by our King *Edgar*, set down in the Monasticon, and transcrib'd thence by our Author ; Whereof I have given the Substance, only this Copy at *Durham*, is more full ; For it contains moe Subscriptions and Witnesses, with this general ; *In presence of a great multitude of French and English* : And Likewise this Copy bears, that the Deed was made, that year wherein *William the Son*

Son of the great William made a new Castle before Babbenburch upon Robert Earl of Northumberland ; And condescends upon the Seal appended to this Charter .

THERE is here also, a Charter by the same *Edgar* under Seal, and probably was the Charter shown by Bishop *Tonstal* to the Protector *Somerſet*, and to the Lord *Maxwell*, which is yet more positive about the Homage ; For in it, *Edgar* in the most plain terms, acknowledges *William King of England*, to be *Superior of the Kingdom of Scotland* ; And by this Deed, gives most of the Lands mention'd in the preceding Copie, *By licence of his Superior to William the Bishop*, And *Turgot the Prior*, and to the Monks of *Durham*, and their Successors, and bears date at *Norham in presence of the said William King of England, Superior of the Kingdom of Scotland, and in presence of the said Bishop and Prior*, and several others ; And of a great multitude of *French, English and Scots* ; To this Charter is appended a Seal, whereupon is King *Edgar* on Horseback, with a Sword in his right Hand, and a shield

in his left, charged with the Arms of *Scotland*, within the Border of *France*; which appears by the Copy of this Charter, and Seal set down in the Appendix 1.

THERE's moreover at *Durham*, two Charters, or rather a Duplicated Charter of King *William Rufus* the Son and Successor of *William the Conqueror*; Who in the Copie of *Edgars* Charter is called *William the Great*. By these duplicats, That King *William* gives to Bishop *William*, and the Monks of *Durham*, the Lands contain'd in the forementioned Copie, *which Edgar the Son of Malcolm King of Scotland, gave to them, with his consent*: According to the duplicated Charter at length placed in the Appendix 2.

By a Duplicated Charter is meant, a Charter whereof there is two Originals, and I have seen severals of them, both at *Durham*, and in my own Countrey; And sometimes there are three Originals; which probably was for Caution, in case of accidents; and frequently there is some little difference among these Originals, in the *Teste* or witnessing Clauses.

IT may from these Deeds at *Durham* be thus argued for the Homage, That the duplicated Charter of *William Rufus* contains the very same Lands, with these in the Copy of *Edgars* Charter, without any alteration : And tho there be only a Copy of *Edgars* Charter, to which the King of *England's* Charter relates, yet is Ancient, And the Original might be lost, or deliver'd up, in Pur-
 suance of the Releases of Homage; And also tho it be not Recorded, in an Ancient Cartuary ; yet there be some Charters in this Record ; That are now wanting, which shews some O-
 riginals are lost or miscarried, and the Charter of *Edgar* yet extant under Seal, tho' it be not to be found in this Car-
 tuary, & may labour under suspicion, yet it might upon the loss of the true old one been foisted in: And the Original duplicated Charter of King *William* of *England*, being relative to *Edgar's* Charter; and expressly mentioning, *That the grant of Edgar was done with his consent* ; seem strongly to support the Copie ; and may give ground to think, there was once an Original, and therefore, this duplicated Charter may be thought still, to retain some Tincture of Homage.

THOSE

THOSE things do sufficiently justify the Letter of Bishop *Tonstal*, and it may be thought, that of any thing yet said, they bid fairest for the Homage: And were such proofs and evidences suggested with Temper, and in season, they might be ascribed to a due research into the Justice of the Clame of Homage.

SEING then, I have given those Charters the most favourable dress, and colour, that my weak capacity could attain, I hope I may with the more freedom, be allowed to make some Observes upon them. And

FIRST as to the Copie of *Edgar's* Charter of Homage, tho' it appear somewhat Ancient, yet this Charter not being ingross'd, in the ancient Cartuary and Record, where there's to be found five Genuine Charters of this same King *Edgar*, makes the Copy of less Faith and Credit; and the five genuine Charters yet extant, have not the least shadow of any Homage; But in the contrair they do bear clear marks of Sovereignty, of which afterward.

IN the next place; Is it to be suppos'd that if ever there had been any Original, of this Copie, That the *Monks*,
who

who were the keepers and Registers of the Deeds ingross in the Monasterial Cartuaries, wou'd have noticed and ingross'd five Charters of our *Edgar*, and omitted a sixth? Which not only made our King and Kingdom dependent of their King; but also contain'd all the Lands in the other five Charters, and a great many more, of far greater value: There be likewise some other things to condemn this Copy, which coincide with the duplicated Charter of *K. William Rufus of England*, and therefore I shall proceed to the Consideration, of the Charter of *Edgar* under Seal.

THIS Charter, as is before said, acknowledges the Superiority, in very flat and positive Terms: And if this were a true deed, it wou'd put the Homage, beyond denial; But this Charter and Seal, bears many Marks of Forgery, as first, the Character and Sillabication is modern, and in it are also several modern Words and Names which at first glance clearly discover it to be counterfit. Secondly, *Edgar* speaks in the Plural Number, whereas the Plural, as hath been already said, was not then used, either by the Kings of *Scotland* or *England*; And *Edgar*

I in

in all the five genuine Charters, uses the Singular ; And all true Charters made by Kings and Princes, in those Days, I presume, will support this Assertion. *Thirdly*, The Seal of this Charter is counterfeit and false, for it's not only altogether different from the Seals of the genuine and true Charters of *Edgar*, but also it bears inconsistencies with the Seals then used ; For upon the Seal, appended to this Charter, Is a Coat of Arms, which at that time, were not used upon Seals in Britain : And *Richard the first*, was the first of the *English* Kings, who used Arms upon his Seal : And he began to Reign eighty nine years after the Death of *William Rufus* ; In whose time this Charter of *Edgar* is said to be made. In those Days the Seals of both the Kings of *Scotland* and *England*, did bear the King, sitting in this Throne, holding a Scepter, sometimes a Globe in the one hand, and a Sword in the other ; And if they used a Counter-Seal ; The King was riding on Horseback, carrying a Banner Display'd or a Sword in his Dexter, and a plain Shield in his Sinister ; & sometimes the King is upon Horseback in the Seal, and Inthroniz'd in

Time

the Counter-Seal : And in Process of Time, they charged their Seal with their Arms, and sometime after, they adorned the Mantlings and Trappings of their Horses, with their Armorial Ensigns.

I HOPE, I will not be thought by this to impeach the Antiquity of Arms, and of the Gentile Science of Heraldry ; My Assertion only is, that in the days of our King *Edgar*, and for some time after, Arms were not us'd upon Seals in *Britain* : And I presume this will not be denyed by any who are conversant in those Matters, and will not be controul'd by a Witness.

IF the before mention'd Charters of our Kings *Malcolm* and *Edgar*, and their Seals were Genuine, they wou'd infer three Things, which I judge will not be granted by our Neighbours. *First*, That our Kings us'd the plural Number (which according to the great *Selden* was introduced for the further Illustration of the Majesty of Princes) before the Kings of *England* used it. *Secondly*, That our Kings, had Seals with Armorial Bearings, before them. *Thirdly*, That We were

anciently in League with *France*. This being evident by the Border of *France*, encircling Our Royal Arms; Which is the acknowledg'd Bage, of the ancient League; And how cou'd We be Dependent and Subject, if We contracted Alliances with Forraign Princes, yea even with the Enemies of our Superiors? This had been a just Cause of Forefeiture of Our Crown.

IN the next place, As to the two Charters of *William Rufus* King of *England*, or rather Duplicated Charter (for they are both the same, except that one of them hath Witneses and the other wants) mentioning that *Edgars* Grant of *Coldingham*, to *St. Cuthbert* of *Durham*, was with Consent of this *English* King; They be also lyable to Exceptions, As

FIRST, They are granted by one interested in a plea & Cause, which they support; and none can vindicat and prove their Right of Dominion by their own naked Assertion.

NEXT, they relate to a Charter of *Edgar*, Which is not extant, and its a received maxim *Non Creditur Referenti nisi constet de Relato*.

AND further, in nicety, this consent may be thought to imply no more,
Than

Than that the Warry Monks of *Durham*, being *English-men*, procured a consent from their King; to receive Donatives, from a Neighbouring Prince, and who was frequently at enmity with him: And they had the more Reason, to procure this consent, Because the Lands Gifted, did ly upon the Boundaries of the two Kingdoms; And thereby, were exposed to frequent Hostilities: And accordingly we find, That the Monks of *Coldingham* being reduced to great Straits, by having their Stores consumed by Incurfions; The Monks of *Durham*, in consideration, that *Coldingham* was a Cell of *Durham*, made Application to King *Henry* the 6th or 7th of *England* for Protection, which he granted, by a Writ under his Privy Seal, yet extant at *Durham*; And it was very fuitable, to the cunning of the Monks, to be thus secured, in all events by the Kings of both Realms.

I CANNOT omitt to let the candor and Justice of the Clergy of *Durham* be known, who in the Repertory of the Deeds of *Coldingham*, have marked the Charter of *Edgar* under Seal, as suspected, and did not place and rank it, among the other Charters of this King:

King : Had the Archives of *Durham*, been alwise in such faithful and worthy hands, as they now are, There had no proofs of our Homage been brought from them : and I'm perswaded, That nothing is more acceptable to the Learn'd and worthy Clergy of *Durham*, than the discovery of truth, and the exposing of what contains Lye and Forgery, especially when it contributes to justifie the innocent : And the deeds impugn'd are already laid open to the World in the Monasticon. And in Bishop *Tonstals* Letter to the Council of *England*.

TO come clos then to the matter, admitting the Copie of the Charter fet down in the Monasticon, and Transcribed by our Author, and the Copie at *Durham*, To have been taken from an Original, yea admitting the Original to be extant, and joyning with it the Charter yet Extant under Seal, And cementing all together with the Duplicated Charter of *William Rufus*, and even waving the Exceptions already offer'd amongst them, yet nevertheless none of them seem Genuine and true ; But with the greatest appearance are counterfit, by some obvious circumstances plainly related by the

the most, if not all the *English* Historians, Ancient and Modern, who treat of those times. For

IT is evident, by the abstract I have given of these Charters, and by the full Copies subjoyn'd in the Appendix; That all of them are granted to *William Bishop of Durham*, who can be no other, but he who is commonly called, *Willelmus de Carilefo*; and likewise he and *Turgot Prior of Durham*, are plac'd among the Witnesses in the two supposed Charters of our *Edgar*, insinuating Homage.

THIS circumstance alone plainly discovers all these four deeds to be spurious, for this *Bishop William* had left the Land of the living, long before our *Edgar* was King of Scotland: So that it was impossible, that a true Deed cou'd be granted to this Bishop after his Decease; nor cou'd the departed Prelate Witness it.

THE Bishop nam'd in these Charters, can be no other, but *Willelmus de Carilefo*, for there was none of this name Bishop of *Durham* before nor after him, until the year 1143. That *Willelmus de Barba* or *Barbara* was made Bishop of *Durham*, and is called *William* the second,

cond, which clearly demonstrats,
That this other *William* was the first;
Nor was any Bishop *William* Contempor-
ary with *Turgot* the Prior, who suc-
ceeded *Aldwin* in the Priors Office in
1087, but this *Willelmus de Carilefo* ;
which is ascertain'd not only from his
own History of the Church of *Durham*,
where he relates the time of his com-
ing to be prior and of the promotion
and death of this Bishop, But also
from this, That for the space of near
thirty years before, and for as many
years after the beginning of the Reign
of our *Edgar*, and the death of *Wil-*
liam Rufus (in whose conjunct Reigns
these Deeds, if true, behoved to be
granted) there were only three Bi-
shops of *Durham*, to wit, *Walcherus*,
this *Willelmus de Carilefo*, and *Ranul-*
phus : This is clear from the *Histo-*
ry of the Church of *Durham*, written
by this very *Turgot* the Prior, and
published among the *Decem Scriptores*,
under the Name of *Simeon Dunelmensis*
and by his Continuator, and by the
account given of the Bishops of that

(1) *Anglia sacra* tom. 1. page 712. &
718. (2) *Inter X. Scrip.* pag. 49, 52.
& 58.

See, in the *Anglia Sacra*, and in *Malmesbury's* treatise *De Gestis pontificum Angliae*, published in the *quinque Scriptores post Bedam* : and is confirmed by the *Saxon Chronicle*, *Florence of Worcester*, the *Annals of Simeon of Durham*, and other *English Historians* : So that the Bishop *William* mentioned in these Charters, must be this *Willelmus de Carilefo*.

THAT this *William* Bishop of *Durham* was dead a considerable Time before our *Edgar* was King is most evident, by the unanimous Testimony of the *English Historians* ; *Turgot* tells us, he died in King *William Rufus's* Court at *Windsor* in *January 1096* 1, and the like We have from the *Annals of Durham* 2. and they give us the very day of his Sickening ; For its known, That in the Monasteries, there were Obituaries kept with great care and exactness : With them may be joyn'd the Testimonies of the *Saxon Chronicle*; *Florence of Worcester*, *Simeon of Durham*, *Hoveden*, 3 and other *English Historians*, who all tell us, that

(1) *Inter X. Script. pag. 58.* (2) *Anglia Sacra tom. 1. pag. 704.* (3) *Omnines ad annum 1096.*

this Prelate died at *Windsor* in *January* 1096; and some of them relate a notable Passage of his humility; In discharging his Body to be interred near the Glorious Body of *St. Cuthbert*; and the same Historians tell us, That about *Michaelmas* in the year 1097 our *Edgar* and his Uncle *Edgar Atheling*, with some Auxiliary Forces went from *England* to *Scotland*; and having expelled *Donald*, he became King, and his Reign is reckoned to commence in 1098, which demonstratively evinces, That our *Edgar*, was not King in the Lifetime of this Bishop *William*, and by consequence irrecoverably Sinks the Faith of these Charters.

THIS Exception against the suppos'd Charters of *Edgar*, and the Duplicated Charter of *William Rufus* of *England*, is so clearly and fully voucht, That more need not be said, yet to shew, That Forgeries generally go upon three it may be further excepted.

THAT the Copy at *Durham* of *Edgar's* Charter, bears, That it was made that Year wherein *William* the second made a new Castle before *Bebbanburgh* upon the Earl of *Northumberland*,

* *Bamburrow*.

(1) *ad annum* 1097.

Which

Which could not be, For here again the above Historians in one voice tell us that this new Castle which they call *Maleveosin*, or ill Neighbour was built, and that *Babbenburgh* was besieged some years before Our *Edgar* was King, how then cou'd he before he was King, make Grants or Homage ?

THIS kind of Date clearly evinces the Cunning and Artifice us'd in the Contrivance of this Copy, For in ancient Charters, we find sometime the date pointed furth by remarkable Facts for Example, there's a Grant by King *David* the First to *Coldingham*, made in that year, wherein the King of *France* and many other Christians went to *Jerusalem* ; And there's another Charter by the same King to *Melrofs* bearing date, in the second year after the Captivity of *Stephen* King of *England* : And in a Charter granted by King *Malcolm* the Maiden, to the Predecessor of the ancient Family of *Innes*, it is said to be granted, at *Christmasts* ensuing the Kings Receiving *Sumerled* into Favour.

MOREOVER there lyes a special

(1) *ad annum* 1095.

K 2

Ex-

Exception against the Charters of *William Rufus*, for being Duplicats, the one falling the other follows ; In that which bears Witnesse, *Willelmus Cancellarius* is placed as a Witness, who, I presume, was never heard of before in the Reign of this King, and the before mentioned Historians *Florence of Worcester*, the *Saxon Chronicle*, *Simeon of Durham*, *Hoveden*, and other *English* Historians, ancient and modern and with them the Learn'd Sir *William Dugdale*, who in his ingenious Treatise, Intituled, *Origines Juridicales*, hath collected and published a List of all the Cancellaries since the Conquest, say, That *Robert Bloet* Bishop of *Lincoln* was Cancellor to this King *William* five years before *Edgar* came to the Throne, and he survived King *William* many years.

THE Suspicion of *Edgar's* Charters, importing the Homage is increas'd, and our *Crown* and *Kingdom* is evidently *Imperial* and *Independent*, by five Original Charters of this King *Edgar*, yet extant at *Durham*, and recorded in an ancient Cartuary there, which in their

(1) *Omnes ad annum 1093.*

Form

Form and Seal bear clear marks of Sovereignty.

FOR, *First*, in the Direction, they run in these Words, *Scottis et Anglis*, preferring the *Scots* to the *English*; which had been unjust if our King had been a Vassal of *England*, for his Kingdom, Thus to set the Sons of *Ismael* before the Children of *Isaac*, and to prefer the Offspring of the Bond-woman, to the Posterity of her that was free : So the placing of the *Scots* before the *English*, in the Direction, seems to imply, We were not Dependent ; And tho' Our King had been so Debonaire, to put the *English* first ; Nevertheless that wou'd be no Note of Our Subjection to the *English*, more than of theirs to *France* by the *French* being frequently set before them in the Direction of ancient *English* Charters.

NEXT the Seal appended to these genuine Charters bears this Circumscription, YMAGO EDGARI BASILEI SCOTTORUM, which is a clear Indication of Sovereignty ; For where did ever a Vassal King, call himself *Basileus*, This was the exalted Title by which the Emperors of the East and West, strove to distinguish themselves, from all other Kings and Princes

ces¹, And is one of the lofty Titles of the Kings of *England* adduced to prove the Superiority ; And this very Seal of Our King *Edgar* seems very valuable, as being an Ancient Voucher, and a most convincing proof of our Crowns, being of old reckon'd and own'd as *Imperial*, and shews the Rashness and Ignorance of our Author, who say's our Crown is a supposed Imperial Crown, and had never this name, but in an Act paying the way for a Popish Successor², And it's against Reason to think, that a King, who assumed and bore the Title of *Basileus*, would own himself Subject to another Prince ; and I wou'd fain know what more express marks of Sovereignty can there be, Than that our Kings used the same Titles with Emperors, And its observable that the Composers of this Copy of *Edgars* Charter of Homage, to shew their craft have added the description of his true Seal, appended to the five Genuine Originals ; But when they come to enumerat the words in the Ring or the Circumscription, they have thought

(1) *Seldens titles of Hon. B. 1. Cap. 2. §. 5.* (2) page 1.

fit to leave out the word *Basilei*, as being very disagreeable to an Homager, and substitut *Regis* in it's place ¹.

WITH all Submission I conceive, that the very useing of this Title, *Basileus*, is an unanswerable and pointed proof of our Independency, and puts the Sovereignty of Our Crown beyond all Question, and clearly evinces, that even in the days of Our *Edgar*, who by patcht up deeds is represented as a cringing Homager ; Our Crown and Kingdom was *Imperial* and *Independent* ; And further, this Title serves to convict all the Stories and Charters of ancient Times, concerning the Homage for *Scotland*, of Fable and Forgery, it not being presumable that Our *Edgar* wou'd assume a Title, which did not of right belong to him and his Predecessors ; and the Presumption is the stronger, that there be Charters with a Seal bearing this Title, granted to the Monks of *Durham*, who were *English*, and that these Grants ever were and still are lodged in the Archives of that place.

THAT in the Import and Signification of the Word *Basileus*, I may not

be thought Dogmatick, or Daring, I
 skreen my self with the Authority and
 Countenance of the great *English Sel-*
den, and whoever will be pleas'd to
 look upon the second Chapter of the
 first Book of his Learn'd and curious
 Treatise of *Titles of Honor*, will there
 find Reasons and Instances, to demon-
 strat, that this Title is an infallible
 Mark of Sovereignty and Independ-
 ency, and in the last Paragraph of
 that Chapter which is in Relation
 to the opinion of some Civilians, who
 think this Title of *Basileus* or *Impera-*
tor, in the Stile of other Princes is an
 injury to the *Emperor of Germany* who
 is commonly known by that name,
 and is of right *Lord of the whole World*
or Earth, upon this occasion, we have
 the plain Sentiment of this Learn'd An-
 tiquary, which is so much to the pre-
 sent purpose, that I repeat his Words,
But it is most clear (saith this Great
Man) That neither Anciently, nor at this
day, there is any such Title, as Lord of
the whole World, really due to him, And
that diverse other Princes, as the Kings
of England, SCOTLAND, France, Spain,
besides others have their Supremacy, Ac-
knowledging no Superior, but GOD him-
self, and may every way as justly as the
Emperour

Emperours of Rome be stiled Emperours, or by any other name, which expresses the fullest height of Honour and Dignity. Here the King of Scotland is Rank'd equally *Imperial and Independent* with the three most puissant Kings of *Europe* ; This Learn'd Author also in the same Paragraph cites the 3^d Chapter of the 5th Parliament of our King *James the third*, wherein it is ordain'd *That our King has full Jurisdiction, and free Empire in this Realm*, and its observable, that when in the subsequent Chapter, this Learn'd Author occasionally mentions, the Monkish Story of *Edgar of England* as *Steersman*, and *eight Kings*, as his Watermen their wafting over *Dce*, and the Story of *Athelstan*, he gives no positive opinion of his own, but only fairly cites the Authors *pro* and *con* in that matter: and of these things more, when the fables used in this dispute come to be considered ; only by the bye, it may be noticed, That however some of the old Stories favouring the Homage, related in the Ancient *English* Historians, and rehearsed by *Edward the first*, in his Letter to the Pope, are laid aside by some as fabulous, not being *Tenable*, yet such is the enlarged appetite
L of

of Mankind after power and glory,
 That we're very ready to swallow any
 thing, that carries possibility, without
 chewing ; and no Ancient evidence
 or Story, of the Grandeur and Glory of
 the Kings of *England*, and of their So-
 verainty over our Kings, pass more
 Glibb with some of the Moderns, than
 this Story of *Edgar of Englands* being
 rowed over *Dee*, by the King of *Scots*
 and by seven more Princes as his Vas-
 sals ; and the mighty Speech, made by
 him to his People on this occasion ;
 and Mr. *Atwood*, says ¹, That *Edward*
the first was so mightily pleased with
 this entertaining passage, That in his
 Letter to the Pope he dwelt upon it:
 Nevertheless it is plain, that this very
 Story, is a meer Fable and Monkish
 Invention ; For in the *Saxon Chronicle*
 published by Mr. *Wheloc*, is related all
 the memorable things in this Kings
 Reign, which are mention'd in the o-
 ther Edition of that Chronicle, except
 this chimerical pomp, there being not
 one Sillable of this Glorious passage :
 So the first hint we have of it, is in the
 Edition of that Chronicle, published

(1) page 193. (2) edit. Cant. an. 1643.
 pag. 559.

by the Reverend and Learn'd Dr. *Gibson*; where its said, six Kings met this King *Edgar* at *Westchester*, and entred into a League with him, to assist him by Sea and Land,; without naming who they were, or mentioning any other Circumstance whatsoever: But by the days of *Florence of Worcester*, *Simeon of Durham*, *William of Malmesbury*, and *Hoveden* 2, They are degraded from Kings to *Subreguli*, and a Whim is trump't up of *Edgar's* going into a Barge, and holding the Helm, while they row'd him over *Dee*, and that there might be a competent Set of Watermen, their Number is advanced to eight: Whereof three get Titles, and of them the King of *Scots* leads the Vann. Besides a powerful Speech is brush'd up for the Majestick Pilot. And by the Time of *Mathew of Westminster*; there's Titles fitted to the other five; and to make the Story more serious, or rather the more to prophane it: He tells us, that this open

(1) *ad An. 973. p. 122. ubi dicitur: ad Lageceaster ei obviam venerunt sex Reges & omnes cum eo fœdere pacto polliciti sunt sese Cooperarios futuros terrarumque.* (2) *Omnes ad Annum 673. D.*

of Mankind after power and glory, That we're very ready to swallow any thing, that carries possibility, without chewing ; and no Ancient evidence or Story, of the Grandeur and Glory of the Kings of *England*, and of their Sovereignty over our Kings, pass more Glibb with some of the Moderns, than this Story of *Edgar* of *Englands* being rowed over *Dee*, by the King of *Scots* and by seven more Princes as his Vassals ; and the mighty Speech, made by him to his People on this occasion ; and Mr. *Atwood*, says 1, That *Edward the first* was so mightily pleased with this entertaining passage, That in his Letter to the Pope he dwelt upon it: Nevertheless it is plain, that this very Story, is a meer Fable and Monkish Invention ; For in the *Saxon Chronicle* published by Mr. *Wheloc*, is related all the memorable things in this Kings Reign, which are mention'd in the other Edition of that Chronicle, except this chimerical pomp, there being not one Sillable of this Glorious passage :: So the first hint we have of it, is in the Edition of that Chronicle, published

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liciti sunt sese Cooperarios futuros terra
marique. (2) Omnes ad Annum 673. D.

Manifestation and Declaration of the
Sovereignty of the King of *England*,
was accompanied with divine Services
1. Mr. *Holinshed* and other Moderns
think this Story so glorious for their
Nation, that they set it down at large,
and discant upon the Titles of these
utopian Oar-tuggers.

BY this, we may see what Faith
and Credit is to be given to *English* Hi-
storians, when any passage serves to
exalt and aggrandize their Prince, and
lessen o' hers : For, admitting our
King and other Princes, according to
the last Edition of the *Saxon Chronicle*,
entered in a League with *Edgar* of *En-
gland*, to assist him by Land and Sea; yet
from thence to infer Homage or Sub-
jection, were to banter common Sense
and Reason: But the fanciful Monks,
can from a League extract a Feudal
Contract ; They can make eight
Subreguli out of six Kings, They can
turn Allies, * unto Vassals by Land,
and Water-men by Sea : They can
make their Kings deliver Glorious
Speeches, which were never spoken ;

* Co-o-
perarii
terra
maris;

(1) *Ad Annum* 973.

and

and can dub Princes and give them Titles, that never had any Being, but under a shaven Pate.

THIS plainly shews how these Monks fitted their Histories to the Gust of these Dark and Superstitious Ages ; and that the ancient Evidences of the Homage are wholly wrapt up in ridiculous Fables ; It also lets us know how Crazy the Claim of *Edward* the first was, when founded upon such whimsical Fancies.

HOWEVER the dreaming Monks, who were valued according to the Measure they possessed of the endearing Talent of Fable and Juggle, might allow themselves in such Licentious Scribbling ; Yet its amazing to find any Moderns, entertain and publish, such vain Whimsies of one of their Kings making eight Princes, *Tarrs*, and of converting his Royal Barge to a Gally, from an Imagination, that these things are for the Glory of *England*.

SEING then most of the ancient *English* Historians, and some Moderns are so mightily charm'd with this beautiful Landskip of the Glorious Magnificence and Sovereignty of their King *Edgar* ; I have for Vindication
of

of Truth, and of the Honour of Our Kings, let its Colours be known, and set them in a true Light.

HAVING thus by Digression made a Trip to *Westchester*, to behold the Grand-Royal Interview, and the splendid Water-work there; I return to our own Historians to see what Light they afford us about our *Edgar's* Homage to *William Rufus* of England.

If we turn to our own Historians, and review the Reign of our King *Edgar*, we will find somethings related very disagreeable, if not altogether inconsistent with his owning of the King of *England* as his Superior, in any Grants to *Coldingham*, or in any other respect.

BUCHANAN says, That *Coldingham* was formerly the Monastery of *St. Ebbe*, and was transferred by King *Edgar* to *Durham*, in the 7th Year of his Reign ¹, which was 5 Years after the Death of King *William Rufus*; For *Edgar* began his Reign in 1098, and *William* was killed in 1100, when he was a Hunting, by the accidental Shot of an Arrow.

THIS account of *Coldingham*, seems

(1) In *Hist. lib. 7. ad Reg. 89.*

to be supported by *Bede*, and other *English* Historians who mention *Coldingham*, as I've hinted : And our Learn'd Countrey-man's Sentiment, is confirmed by several Grants made to *Coldingham*, after it was transferr'd to *Durham*, wherein the Donors give Lands, to *St. Mary*, and to *St. Cuthbert*, and to *St. Ebbe* ; And among others is a very ancient Deed, by *Edward the Son of Peter of Restalrig Baro Regis Scotie*.

TURGOT, and from him *Fordon*, as appears by an ancient Copy of his History, belonging to a worthy Gentleman, and with much Civility communicat to me, wherein *Turgotus* is prefixed to most of the Chapters, in relation to the History of his time : and from *Selden* we understand, That there is a Copy of *Fordon's* History in the *Cotton Library*, having *Turgot's* name in the beginning of several Chapters concerning Queen *Margaret* and Her Children¹, whereof *Edgar* was one : and after *Turgot* and *Fordon*, *Heſtor Bois* : give us the account and Reason of *Edgar's* bestowing *Coldingham* and its Appennages, upon *St. Cuth-*

(1) *Præfat. ad X. Script: pag. 24.*

(2) *Hist. Scot. lib. 12. penes finem.*
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bert

bert of Durham ; Which tho' it favour
of the dark and blind Devotion of
those Times, yet its worthy Remark
and wholly overturns any Thoughts
of his Homage : According to these
Historians, Our *Edgar* in his way
from *England* to *Scotland*, having rest-
ed at *Durham*, *St. Cuthbert* appear'd
to him in a Vision, and desired him
to be of good Courage, and carry
with him *St. Cuthbert's* Banner, and
his Enemies shou'd flee before him ;
And he shou'd sit upon the Throne of
his Ancestors ; Which Advice this
good Prince follow'd, and upon dis-
playing of the St's Banner, *Donald* who
had usurped the Government, and his
Forces fled, and were defeat : And
Edgar was placed upon the Throne
of his Father *Malcolm*.

THIS devout King *Edgar* being very
mindful of Saint *Cuthbert's* good offices,
did grant to the Monks of *Durham*,
Coldingham, with it's Appennages, and
he also gave to *Ranulf* Bishop of *Dur-*
ham, *Berwick* , who proving there-
after ungrate and perfidious to *Edgar*
his benefactor, he justly resum'd the
grant of *Berwick*.

(1) *For don Boeth: & Leslie ad Regn: Edgari*
THIS

THIS account of *Edgar's* Grants is the more remarkable, that in probability it flows Originally from *Turgot*, who was Prior of *Durham* when *Edgar* was solaced by this Vision, and also when he as a Testimony of his Gratitude to *St. Cuthbert*, made these Genuine Grants to the Monks of *Durham*.

HEREBY likewise the true Charters of *Edgar*, which are granted to the Monks of *Durham*, are strengthen'd, and the Grants made to Bishop *William* are disproved ; For by *Turgot*, we here understand that *Edgar's* Donatives to *Durham* were made in the time of Bishop *Ranulf* who was the only Bishop of that See, In the Reign of our King *Edgar* ; For the *English* Historians tell us, That this See was Vacant for three Years, after the Death of Bishop *William* : And that King *William Rufus* in the last Year of his Reign, gave this Bishoprick to that *Ranulf* the Squeezer of the Clergy, and Devourer of their Revenues ; And his Memory is Transmitted to Posterity by the Monkish Historians, with

(1) *Sim. Durh. inter X. Script. pag. 59.*

224. *Et Anglia. Sacra vol. 1. p. 705.*

the most odious Character.

THAT this was the true Motive of *Edgar's* granting *Coldingham* to *Durham*, is more plausible, than to think it was done to Testifie his Gratitude to his Succourer, *William Rufus*, who did not much value such a Complement ; He being a notorious and Sacrilegious Pillager of Church Revenues, and none was so subservient to him, in these bad Practices, as *Ranulph* Bishop of *Durham* ; And this King is said to have had one Arch-Bishoprick, two Bishopricks and twelve Abbies in his hands at his death.

IT'S Sure, That *William Rufus* was assisting to *Edgar*, an injured Prince and Neighbour, and furnished him with some Troops, to vindicat his just Right to the Crown of *Scotland* ; This Assistance is much magnified by some *English* Historians, but *Buchanan* calls them only *Modica Auxilia* ⁽¹⁾, And not improbably ; For it's to be Remembered, That when *Edgar* came with his Uncle *Edgar Atheling* to *Scotland*, *William* of *England* was going over Sea to *Normandy*, where he stay'd for some time ; And thus it's pre-

(1) *Lib. 7. ad Reg. 89.*

sumable, he had not much Force to spare ; Again *Edgar* was invited Home, and encouraged by the Nobles of *Scotland*, as their true Prince : And it might be thought no bad Politick in this King of *England*, and in *Henry* his Brother and Successor ; when this King was going from *England* to *Normandy*, and leaving behind him a disoblidged People, and an abused and provoked Clergy, To dispatch *Edgar Atheling*, and his Nephew Our *Edgar* to *Scotland*, and thereby secure his Government ; For *Edgar Atheling* was the true and undoubted Heir of the *English* Monarchy, and our *Edgar* was agen his presumptive Heir ; and so sensible of this Right was *Henry* the first of *England*, the immediat King after *Rufus*, who for his great Enduements was called *Beauclerk*, That to strengthen his Title to the Crown, he with much Affection courted *Mawde* the Sister of our King *Edgar*, and the eldest Daughter of King *Malcolm Canmoir*, by his good Queen *Margaret* ; and Married her after repeated refusals given by her, to the interposing

(1) *Buch. Hist. Reg. Lib. 7. ad 89.* (2) *Math. Paris ad annum 1101.*

Friends ; And this King *Henry* having only a Son called *William* who was Drown'd, and a Daughter of that Marriage, the Empress *Mawde* ; He presented her to his People, as descended by her Grand-mother the Queen of *Scots*, of the true Blood Royal of *England* ; and it is uncontravertible That by the death of *Edgar Atheling* without Issue, the Kings of *Scotland*, were the true Heirs of the *English-Saxon Monarchy*; And when our King *James* the sixth, succeeded to the Crown of *England* ; He was not only the Heir of *York* and *Lancaster*, in the Right of his Great-Grand-Mother *Margaret*, the eldest Daughter of King *Henry* the 7th of *England*, and of his Queen *Elizabeth* ; But also in this our *James*, and no sooner, was conjoyn'd and center'd, the true Heir of the *Saxon* and *Norman* Regal Race, upon the Throne of *England*.

WHAT the rear Author or concluder of the *Chronicon Saxonicum* saith, concerning *Edgar*, That he was made King *sub ditione Regis Anglie* ¹, Is not worth the noticing, for without a nice enquiry of the Import of the phrase, This seems only to be a flight of the

Author, for when the Charter and Seal of this King, and also of the King of *England*, have been counterfit, to make this our *Edgar*, a Vassal of *England* for his Crown; It's not to be thought that a Historian of those days wou'd boggle at an amusing *Innuendo*, or a transcriber startle at an interpolation, And the faith of this part of the Chronicle is the less; If it be consider'd, that from the Preface of the Learn'd Editor Doctor *Gibson*, and from the account given of this Chronicle by the worthy Bishop of *Carlile* ¹, it appears, none of the Copies of this Chronicle used by Mr. *Wheloc*, or Doctor *Gibson*, nor some other Copies nam'd by the Bishop, do reach to the Reign of our *Edgar*, except one, given by Arch-Bishop *Laud*, To the University of *Oxford*; And which is thought, did Anciently belong, to the Monastery of *Peterburgh*; But to oppose History to History, besides what is already said, It's highly Improbable, that *Edgar* payd any Homage, to the King of *England*; For neither *Florence* of *Worcester* who Survived *Edgar* about 12

(1) *Engl. Hist. Libr. Vol. 1. pag. 114.*
years

years, And thus coterporariē with him, nor yet *Simeon* of *Durham*, nor *Hoveden*, have in their Histories one Sillable of subjection by *Edgar*, to *William* of *England*, and none of them are so favourable to us, That it may be thought, they industriously overlook't it, and *Florence* and *Simeon* may Rationally be suppos'd, to know this Affair : For the first was *Edgar's* closſ coterporary, and the last was a Monk of *Durham*, who cou'd not be ignorant of *Edgar's* Homage if there had been any deeds granted by him to the Monks of *Durham*, importing homage; and this still enforces the Arguments disproving these Deeds.

ANY acknowledgment of Homage by *Edgar*, will yet further appear Improbable, if we consider some Historical passages of that time, and particularly one very remarkable, wherein our own, and all the *English* Historians agree ; And tell us, That *Duncan Edgar's* natural Brother disposseſs'd *Donald* his Uncle, by the assistance of *English* and *Norman* Forces ; And assum'd the Government, but the *Scots*, wou'd not allow him to continue in the exercise of it, unless he removed the *English* and *Normans*, out of *SCOTLAND*. This

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memorable and uncontested passage, is a very clear Historical proof of our *Independency*, and from it we may understand ; How zealous our brave predecessors were, to preserve our Liberties, by guarding against any Appearances of having them Impair'd, by Foreign power and influence : It is also observable, That the Historians tell, that *Edgar* was a very good prince, that he Reign'd and dyed in peace, and in the affection of his Subjects, which had never been, If he had surrender'd his Sovereignty.

THUS I hope the Crown and Kingdom of *Scotland*, is acquit from any Homage, by the before mention'd Charters of King *Malcolm*, and of his Son King *Edgar*, which are manifest Forgeries, by the Verdict of *English* Historians : And it seems worthy of notice, That in *Edward the first's* Letter to the Pope, he uses as a powerful argument for the Homage, the very words of *Edgar's* supposed Charter, which are, that *William Rufus* gifted him the Kingdom, and *Bromton* in his Chronicle, has the like expression¹, Hence we see the design,

(1) *Inter x Serip. pag. 990.*

use and effect of these spurious deeds in former times.

THESE falshoods of themselves alone, are sufficient to Wound and Blemish the Claim of Homage, but the promoters of the Cause have not rested here; For as I hinted in the entry of this Treatise, we are furdur of late upbraided, in a Book published by Doctor *Drake*, with some moe certificats of Homage, said to be under the Seals of our King; which I shall briefly consider.

THIS Physician under the specious pretext, That by *Fortuitous Means*, There was Transmitted to him a valuable Historical Treatise, written by one long agoe Deceased; He last Year oblidged the World, with the Publication of this new discovered Treasure, under the Title of *Historia Anglo-Scotica*, And to this new Adjective, He adds the inviting words, *an Impartial History*.

THE Doctor is pleased to own no further share and office in this matter, but of Midwife, and of handing this desirable Work to the World; And ushering it, with a *Prefatory Dedication*.

IN the second Paragraph of this intro-

Introduction, The Doctor shews his design in bringing to light this non-such History, by telling; *The intermixt Affairs of England and Scotland, afford us a part of History, not only of entertainment, but at this Critical juncture of particular use to all that are studious of the knowledg of the interchangable Rights and Pretensions of these two Crowns, upon each other; Which no Book that he knows of, is of so great help to, as the following piece,* This plainly opens the design of this Master-piece, And the more, that in the Title Page, *Homages* lead the Van of a Trainband of many particulars, which are there enumerat.

IT might be thought digression, to enter upon consideration of the Doctors preface, where in so narrow a compass, he goes backward and forward; By making first a conjecture about the date of this new discovered Manuscript, and enforcing his guess with Reasons, and then in immediatly plainly Retracting it, from a clear passage in the Book it self; Bless me! did the Doctor write his Preface, before he knew what was in a Book he composed, at least that he published; No sure, for in the Title Page, he tells the World, it was Extracted from the

best Historians of *England*, and in the Preface, that he collated it with the best accounts of the several Reigns, that he could procure, Or was he in a mighty hurry and haist to publish it, and were his thoughts so disjoynted ; That he could neither favour himself, nor his Reader ; To Transcribe his Preface, or dash out a Paragraph, but choose rather to continue an Error, and to add a *Peccavi* : There be also in this *prefatory Dedication*, some other things which seem not altogether dispensed *Secundum Artem*. And whether the Doctor be the Mask'd composer, or only the Abettor of this mighty performance, is much the same and not worth Enquiry. For at best it's the Child of an uncertain Father long ago deceased, which brings it under the suspicion of a Bastardly performance.

THE Doctor of late, hath got a mate in the Trade of dark dealing and of *posthumous midewifry* : The under deck Authour and Publisher of the *Select Fables* ; For tho' they want the Doctors name, yet have some tincture and Scraps of his politicks ; by telling the World, that the Author is dead, and

and that it was unfair to soften his expression ¹.

THESE Publishers have thought fit, to show so much respect and duty to the innocent dead, as to make them the beasts of burden, of their passions and designs: For the Fabulors Brat it was some thing agreeable, to make Mother viper deceased, to make way for the envenom'd brood; And by these Fables we know, who speaks in the skin of the dead ². But what need had the Doctor of a cloak for an *Impartial History*, unless he thought convenient to make himself, dead, that he might embalm and Aromatize his performance with *Encomiums* in a Preface, that were not to be expected from any other hand.

EVEN Mr. Atwood the Busy Homage-monger, has acted a part of more candor and courage, by owning his performance, and not suffering it to be exposed, to the imputation of being Bastard or Foundling.

THE Laws of Scotland ³, and the Rules of good manners, restrain us from any reviling or scandalous ex-

(1) *Preface to the select Fables.* (2) page 40. (3) 20 Parl. Jam. 6. cap. 9.

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pressions against *England*; But we're
unequally met by some of our Neigh-
bours, and by none have we been more
abused, than by the Ridiculous scoffs
of this Scurrilous *Tale-teller*; who
insults us, by telling, *That Eng-
land hath an ancient and just Right of
Sovereignty over us, and power to assert
it when ever they please*; and Lampoons
Scotland by the Fable of the *Ass in the
Lyons skin*; and yet more bitterly by
the Fable of the *unequal match*; which
last seems to have been devised, in
consequence or compliment of an in-
sulting proverb; But before such Pro-
verbs or Fables be applyed to us; they
who use them, would do well to raze
out of their Annals and Records, the
Marriage Suits made by *Edward the
first*, and *Henry the eight*, for their Sons;
and the Repeated Commissions for
Union, or else convert those things
also unto Fables: They might
also remember who sits upon the
Throne, and if they be above Hi-
story, yet they may call to mind, the
Fable of the *Eagle* and the *Beetle*
even set down by the *Tale-teller* in his

(1) *Select Fables* page nlt. (2) *pag 40.*
(3) *page 61.*

select

select Collection, as taken from *Æsop*, now with his own, and *Lestrange's* witty Reflections; For by the most enlarged Comparison, our Neighbours will not be exalted above the Eagle, nor we depressed below the Beetle.

ANOTHER dark-dealer the publisher of the late Blagiarie Treatise, entitled, *an impartial account of the Affairs of Scotland, &c.* to make it more current, has thrown in into the Title page, *Some remarkable Instances that may give light into the Dependence of Scotland on the Crown of England*; which is mere juggle: For in this Book, there's nothing has the least Tendency to Homage. Only there's a passing hint of a Rumor spread abroad by the Partisans of our Queen Mary, of a secret Bargain between Queen Elizabeth, and the Earl of Murray, for making Scotland a Province of England, and that our Q. Mary had promised the like her self; both which have no Foundation but Imagination. For in the Entry of this Essay, I have noticed a Proclamation by Queen Elizabeth, to prevent jealousies between the two Nations; and

(1) page 28. (2) *Lestrange's Æsop*, Fab. 378. page 345. (3) pag. 276 & 277.

now

now for clearing of this matter, I have placed a Copy of the Proclamation in the Appendix 1 and as for our Queen Mary it's known a meanness of Spirit was never reckon'd her Infirmary, and perhaps the Suspicion of her entertaining a Claim of Sovereignty, of something more than of Scotland, did hasten the fatal Exit, of that unfortunate Princess; But to Return to the Consideration of Dr. *Drakes* impartial History.

IT commences with the History of the Reigns of *Malcolm Canmoir*, and *William* the Conqueror, and so about the year 1066, and ends in the Reigns of the two *Maries* of Scotland and England.

IN it we are promised the interwoven History of the two Kingdoms, in that tract of Time in such an impartial manner, that the most prejudic'd Scot can't arraign the Author of Injustice, who by his candid Relation of things, *Will silence the most unreasonable litigious Advocate for Scotland*; But I'm afraid this Character given by the Doctor of this Performance will be an a par-

(1) Numb. 10. (2) prefat. Dedcat. 1

tes equales, with his prefatory Con-
jectures.

AMONG the Matters toucht in his
Treatise, there's never wanting posi-
tive Assertions of the Homage, begin-
ning with the Homage of *Malcolm Can-
moir*, and ending with the Homage of
our King *James* the first, and almost
in every Reign it's said, That our
Kings did Homage to the Kings of *En-
gland*; for the Kingdom of *Scotland*,
which they testified under their Seals.

THIS Authors common place-book
for these Homages is *Harding*, a very
famous Historian, eminently endued
with the two recommending Facul-
ties of Ryming and Forgeing; He li-
ved in the Reign of our *James* the
first, and of *Henry* the sixth of *England*,
and is the eldest of this Authors Vou-
chers, and the only person we find u-
pon his Margin for the Homage, until
the Reign of our *James* the first, where
there's joyn'd with him a yet greater
Novice, *Edward Hall* the Historical
Master Fashioner, the Cream of whose
Annals, consists in telling the Habits
and Fashions of Cloaths worn in the
several Reigns: For other Matters in
the Reign of *Henry* the sixth and
downward, we find upon the Margin
of

of his Treatise, *Holinshed, Polidore, Virgil, Lesly*, and some others of a very late date; And yet the Doctor says in the Title page, That this History is extracted from the best Historians of both Nations; and in his Preface, That it is collated with them: By these things in all Submission, the Doctor doth not much advance his Character as an Historian, nor doth he justice to his Countrey, which hath many more ancient, valuable and creditable Historians.

IT must be own'd, that whoever inclines to make a pudder about the Homage, cannot use any Author more fitting their Purpose and Design than *Harding*: But last by so many alledged Testificats of the Homage, under the Seals of our Kings, Trimm'd up in this treatise, which is Gilded with the alluring Title of an *Impartial History*, faithfully Collected and Collated, any should be misled to the belief of the Homage; And to vindicat the just mark of Indignation put by my Countrey upon this Book, and to quell the Banter of the Satyrical Mythologist, who says *We Burn Books that we cannot Answer*, Upon these Considerations I'm

necessitat to open another black and Melancholly Scene of a Bundle of Forgeries contrived to support the imaginary Homage ; And here I must again own the Civility and Ingenuity of the *English* ; Because, from a very Worthy and Learn'd Gentleman and Historian, who had inspected the most valuable Records of his Country, I had the first notice of these forg'd Deeds ; And the account he was pleased to give me concerning them was in substance, thus:

JOHN Harding a Poet and Historian, was an inveterate Enemy to *Scotland*, and pretended, That he could Recover unquestionable Proofs of our Homage to *England* : And enters in a Contract with the then Treasurer of that Kingdom, for procuring of them, and gets some Money in hand, and a promise of more upon performance of the Indenture ; Upon this he comes to *Scotland*, and finding himself disappointed, he or some of his Confederats patches up a bundle of *Charters* with *Seals* by our Kings, and other Deeds owning the Homage, as due by our Kings for *Scotland* to the King of *England*, and returns home with them: But not without a Parcel of Lyes to
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make the matter plausible. And he, *good man*, pretended, That he was *in peril of his life, and incurably mutilat* in bringing off those precious Deeds ; And to make them appear the more valuable, he said, he was offered a considerable Sum by *James King of Scotland* to deliver them up to him, Wherefore *Harding* upon his giving in these Charters to the *Treasurer*, He was acquit of the Indenture, and was farther rewarded with a Pension of *Twenty Pound Sterling* during Life, which was a considerable Sum in those Days : This Discovery being generously made me, I cou'd not (tho' free of any Caution or Restraint from my Friend) have allow'd my self to publish, until I found this account confirm'd by some Paragraphs of *Mr. Tyrrel's Introduction to the third Volum of his General History of England* ¹, where he mentions some Charters of Homage which were forged by this *Harding*, and tells they were delivered to the Earl of *Shrewsbury* Treasurer to *Henry the Sixth*, conform to a *Memorandum* enter'd in the Exchequer Books ; And says these forged Charters *are still*

preserved among the Archives in the Chapter-house at Westminster, in several Boxes, in the great Chist, entitled SCOTIA, and for the Truth of the Matter of Fact, he places in the Margin the Learn'd Historiographer Mr. Rymer for his Voucher; And I was yet farther confirmed in this Matter by the deed of Pension, granted by Henry the 6th in the 36th year of his Reign, to this notorious Forger Harding, whereof a Copy is subjoyn'd in the Appendix 1, and in it some part of this black History is related; And it's observable, That besides some Charters particularly mention'd, to be deliver'd up by this Harding, ther's added this general, *and many other notable Evidences demonstrating the Superiority of the King of England over Scotland.*

IT'S not my Inclination, to defend but where we're attack'd, wherefore I have forbore to publish & disprove any particular Deeds, to which this Gift of Pension doth relate, and I hope none will enterprise to abett and justifie them, & thereby force me to expose & demonstrat these deeds to be scandalous Forgeries: For to me it's a most unde-

fireable task, to lay open the Injuries done us, in relation to the Claim of Homage; But it were to rivet this claim to be altogether Silent, when there is no Restraint nor mark of Displeasure, put upon so many calumnious and unworthy Treatises, which question and arraign her Majesties Sovereignty of *Scotland*, and the Independency of her ancient Kingdom.

THESE notorious Forg'd Deeds speak so loud and plain of themselves, That they need no Commentary or Reflection, only it's very rational and natural to think, That when some of our Neighbours have been so easie in such late times, as of King *Henry the 6th*, to admit of any thing that favour'd of the Homage; and to glut over so many Forgeries, without enquiry; Yea liberally to gratifie the Hatchers of such Iniquity, and to defile the noblest Repository of the most valuable Archives of *England*, with an abominable cluster of falsehoods; There is little or no Faith to be given to the Stories of more ancient and dark Times.

IN the same Introduction *Mr. Tyrrel* likewise disproves upon good grounds the aforesaid Deed of Homage, said to be granted by our *King James the first*,

to *Henry the sixth*, in the second year of his Reign, and set down at large in the Chronicle of *Mr. Hall*, and thence transcribed by *Doctor Drake* ¹, And it's also Transcribed by *Mr. Atwood* ², And *Mr. Tyrrel* in this Introduction says, that in this Volum of his History, he has disproved as spurious, a Charter of Homage by *our David the 2d*, To *Edward the 3d*, Transcribed by *Doctor Brady* in his History, and we hope very justly; For tho' it was the Misfortune of these two Princes to be Prisoners in *England*, yet its known, They wou'd not redeem their Liberty, by a Surrender of their Sovereignty; Nor probably wou'd their people have received them, if they had done Homage to the King of *England*, & when *King James* was in the hands of the *English*, his people gave powerful Assistance to the *French* against them, and he being desired by the King of *England* to deal with his Subjects, to forbear this assistance, it's recorded with what Boldness and Magnanimity this excellent Prince behaved and expres'd himself, and this is e'en particularly notic'd by *Doctor Drake* ³,

(1) page 208. (2) page 326. (3) page 201. And

And yet in a few Leaves after, he setts down a most solemn Deed of Homage by this King, which is very disagreeable to this brave Prince's Character and Deportment, and had this Homage been so solemnly perform'd, in so great and numerous a presence, *viz.* three Dukes, two Arch-Bishops, twelve Earls, twenty Barrons, and about two hundred Knights and Esquires ¹, without all peradventure, it had been ingross'd, as Mr. *Tyrrel* well observes, in some unquestionable Record: For these favours we are obliged to Mr. *Tyrrel*, Yet in this introduction, he makes some little insinuation of the Homage, from the *acknowledgments* made by the Competitors for our Crown, in the days of *Edward the first*, And says, *It was then the current opinion of all Vers'd in Antiquity, that the Homage was due, which appear'd by that Princes Letter to the Pope, Asserting his Superiority, wherein the Authorities are Collected, out of the most Ancient English Historians, and the Chronicles of several Abbies* ²; of which more afterward : But

TO return a little to *Doctor Drake*: From what's said, It's evident how far

(1) *ibid.* (2) *page.* 7.

his performance falls short of an *Impartial History*, and we may see, there was no Reason to Answer the false passages, in relation to the Homage, When there was no voucher, but a ryming Scribler; And it was most just to condemn a Book stuff'd with so many lyes and calumnies, to the Flames. And it may be presum'd, that his intelligent Country-men will think it deserves the like fate in *England*, for ranking the most Scandalous and Infamous *Harding* among the best of their Historians.

TO change hands with the Doctor & to turn Physician for a moment, I will lend him a wholesome *Recipe*, that for preservation of the credit of any part of his *impartial* performance, he will be pleas'd to throw the Margins of it over board, lest the counter-band *Harding* confiscat the whole; And for his Friend the Roving *Tale-teller*, he himself has prescribed the fittest apartment and furniture for these of his temper, But lest the Doctor think, that I officiously lend, I will civilly borrow from him, his *prefatory Aphorism* concerning this Book, *That he knows of no piece that's so great a help to these who are stu-*

dious of the knowledge of the Interchangeable Rights and Pretensions of the two Crowns upon each other ; Now it being clear, that all the Homages related in this non-such Treatise, which are said to be *Testified by the Charters and Seals of our King* (one of King William's which was Extorted when he was in captivity being excepted) are notorious Forgeries ; And the Authors common place Book being *Harding*, who had his hand so deep in the pye ; I return the Doctor his *Aphorism*, with a *probatum est* : That no Book gives greater light to the injuries done us, by a number of scandalous Forgeries hatcht to support the Claim of an imaginary Homage: Only when the Doctor's Impartial History is prescribed or used, as a Catholicon, for the *interchangeable Rights of the two Crowns*. It seems convenient as a Gentle and useful Corrective to add a small quantity of the true History of the Actings of his darling Voucher *Harding*.

THUS I have Essay'd to make good the proposition, That to favour this Claim, our Ancient *Imperial and Independent Crown and Kingdom* has been abus'd and injur'd, by a Tract of notorious and unparallel'd Forgeries, of the Charters and Seals of several of our Kings.

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THE next thing which may seem to give any colour to the Homage, are the Laws ascribed to *William the Conqueror*; as published by Mr. *Lambard* in his *Archaionomia*, wherein are some things very favourable to the dominion, of the King of *England* over *Scotland*.

THESE Laws are scattered in Mr. *Atwoods* Treatise, wherefore I shall rank them, as they stand in Mr. *Lambards* Edition in the year 1598, and shortly recapitulat any Paragraphs, from which the Homage may be infer'd.

THE first, is in the very entry to the Laws of King *William the Conqueror*, wherein this King with his Nobles, appoint Peace, Concord, Judgment and Justice to be kept, among the English and Normans, also between the French and the Britains of Wales and Cornwall, and the Picts and Scots of Albany; and between the Inhabitants of all the Isles, and Provinces pertaining to the Crown, Honour and dignity of the King, and among all the Subjects throw the whole Monarchy of Britain; So that none injure or wrong one another, under the Penalty of the Kings un~~law~~ or fine,
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which is termed *foris-factura*, Here the Scots are comprehended in the Monarchy, and subjected to the Laws of the King of England: and Mr. Atwood illustrates this Law, with a *Variorum* of his own, making England the head of the Monarchy, and says the full forfeitures of all the Subjects of Scotland were not due to their immediat Prince, but did fall to the King of England, as the head of the Monarchy: It seems he has read Lambards Laws with a large thumb upon the Margin, for there the words *plena Foris-factura* (which he dully Translates Full Forfeiture) are explained by the word *Multa*; But *Forfeiture* looks Big: O happy plantation, that was blest with a Chief Justice, who makes no distinction between a *Forfeiture*, and a *Fine*.

THE next Law favouring the Homage, is the 17 Law of Edward the Confessor, confirm'd by the Conqueror, where its said that Eleutherius the Pope in the year 67, in a Letter to King Lucius, made the limits of the Monarchy of old called Britain, then called the Kingdom of England, to be all the con-

(1) Arch. Lamb. Fol. 124. (2) page 234.

minent

timent and the Isles, as far as Norway and Denmark 1.

THE third evidence of the *Dominion*, arising from these Laws, is in some sections of the 35. Law of this Edward the Confessor, wherein, the English, Danes, Welsh, Albanians and Islanders are declared lyable and subject to the same punishment for encroaching upon the Kings Forrests 2: Here also have we the pleasant Story of Jna King of the English, being chosen by an Angel, and that he was the first Monarch after the coming of the English to Britain, and the first Crown'd King of the English & Britons living together in Britain, after the Saxons came from Germany 3: Here likewise is an Enumeration of some of the large conquests of the Famous King Arthur, That he subdued Scantia, now called Norway and many other Isles beyond Scantia to witt, Island, Grenland, Snehorda, Irland, Gutland, Dacia, Semeland, Winland, Curland, Roe, Femeland, Wireland, Flanderland, Cherreland, Lapland and all the other Lands and Isles of the East Sea even to Russia, and that this vali-

(1) Lamb. Arch. fol. 130. (2) *ibid.* fol. 139. (3) *ibid.* fol. 137.

ant Arthur made Easter Lapland the
 boundiary of the Kingdom of Britain 1.
 After this comes the notable Evidence
 of the Homage, in the account given
 of our Queen Margaret, That after the
 decease of her Brother Edgar Atheling
 she was the true Heir to Edward the Con-
 fessor of the Crown of England, And that
 the Prince of Albany by a fortuitous
 chance married her; Then follows, The
 Picts were so called, from Pictus their
 Leader, and the Scots from Scottus their
 Leader, for Albany is a part of the Mo-
 narchy of England, which of old was
 called the Kingdom of Britain 2. Here
 Albany or Scotland is comprehended
 under the Monarchy or Dominion of
 England.

WITHOUT entering upon the Ex-
 ceptions hinted at by the Learn'd Bi-
 shop of Carlile against Mr. Lambard's
 Edition of the ancient Laws of En-
 gland, and the account given by his
 Lordship of the Corrections and Emen-
 dations by the Learn'd Junius and
 Somner 3; It seems no candid part in
 Mr. Atwood to obtrude these Para-
 graphs as Evidences of the Superiority:

(1) Lamb. Arch. fol. 137. (2) *ibid.* fol.
 139. (3) Engl. Hist. Libr. tom. 1. page 111.

For honest Mr. Lambard prefixes to the Laws of Edward the Confessor, and William the Conquerour, a very ingenious Advertisement, to this purpose, Least any should think these Laws were the product of his own brain, he fairly tells, That he did transcribe them from two Copies, one of which was more ancient, and the other later, and that there were several things in the late Copy, which were not in the ancient one, and that for Distinction he had caused Print these things which are to be attribute to the latter Copy in a lesser Character; This Caveat Mr. Atwood or any who have perused this Book, could not probably slide over without some observance, And all these Paragraphs pointing at the Superiority and Dominion of England over Scotland, are Printed in the lesser Character; which shows that they are not in the ancient Copy, But the confus'd Zelot notices, neither Advertisement nor Marginal Note.

TO Confirm this, There is to be seen a Copy of these Laws in Hoveden², which agrees with the ancient Copy used by Mr. Lambard; and a

(1) fol. 124. (2) inter quinque Scrip.
post Bedam pag. 600. true

true Master of Antiquity, the very Learn'd and candid Sir Henry Spelman has published the Ecclesiastick Laws of Edward the Confessor, taken from his Secular Laws 1, where, by way of Introduction, he tells us, *He follow'd an old Copy belonging to himself, agreeing with Hoveden, and that it was written in some ancient time, when the Additions that are to be found in Lambard were not known*: And in the close of the 15 Law, he remarks, *That what follows in Lambard is neither in his Copy nor in Hoveden* 2, which clearly shews, what thoughts this judicious Knight had of these Paragraphs: These grounds of Suspicion, are supported by the Copies, of these Laws in the Chronicles of Litchfield and Leicester; which tho they have not all the Laws in Hoveden, yet they have none but what are to be found in him 3: But the Falsehood and patching up of these Paragraphs, seems to be clear by the Copy of the Laws of the Confessor, and confirmed by the Conqueror, carried from his Court by

(1) Concil. tom. I. pag. 619. (2) *ibid.* pag. 622. (3) Seldeni Not. ad Eadmer. pag. 171.

Ingulphus to *Croyland*, published by *Selden*, and added to the new Edition of *Ingulphus*; and transcribed by Sir *Henry Spelman*, so far as they relate to the Church: In all which Copies there is not a Sillable insinuating or importing the Homage; Nor is there any thing in *Bromton* (who is thought the most exact in Collecting the *English* Laws) concerning the Laws of the Conquerour to that purpose.

IF We descend a little into the consideration of what is related in these Paragraphs; They will evidently appear, to be a spurious Aftergrowth, And

FIRST, That *William* the Conqueror was King or Monarch of Britain, is without any Foundation; For in his Charters and Letters, he designed himself *Rex Anglorum*. And it's known that *Malcolm Canmoir*, who was the only Cotemporary King of Scotland with him, did once and again take Arms against him, which ended in a League between them at *Abernethy* settling the Limits of their Kingdoms;

(1) *ibid.* pag. 173. (2) *Oxon.* 1684. *inter Vet. Scrip. Britan.* pag. 88. (3) *Concil. tom. 1.* pag. 624.

And

And however some of the *English* Historians tell us, That at this place *Malcolm* payed Homage to the Conqueror¹, & which is the first time, we find any of their Historians, name Homage or Homager, And by saying, That he did Homage in General, they have left the Expression open to a Fallacy, Yet the Import and Extent of the Homage then payed, is very quickly after clear'd by the same Historians when they relate the Rencontre between the same *Malcolm*, and *William* the Second called *Rufus*, the Son and Successor of the Conqueror, where upon the Heads of their Armies, by the Interposition of *Edgar Atheling* and Earl *Robert* Brother to *William Rufus*, There was an Agreement made between the two Kings, by the which *William* was

* *Villas* to give *Malcolm* Twelve Towns *, that he had under his Father with twelve Merks of Gold yearly; By this Addition we see who made Concessions; and *Malcolm* was to pay the like Homage to him as he had done to his Father the Conqueror², which clearly

(1) *Flor. Wigorn. & Sim. Dunel. inter X Script. ad annum. 1072.* (2) *ad annum 1091.*

evinces

evinces, for what this Homage was due.

THE *English* Historians inform us, That about two years thereafter, *Malcolm* did meet *William* at *Glocester*, as had been previously concerted by their Ambassadors : which interview some of the Nobles of *England* thought, was in order to the establishing of a firm Peace and Friendship between these two Princes, But it turn'd otherwise, both of them having departed displeas'd ; For these Historians tell us, That their King's behaviour was proudly and haughty, and how *he wou'd have forc'd our King Malcolm to do him Homage, in his own Court ;* But that *Malcolm* stood upon his honour ; and *wou'd upon no terms do any such thing, unless in the Marches of the two Kingdoms, where the Kings of Scotland, were in use to make their acknowledgment to the Kings of England, according to the sentiment of the Nobles of both Kingdoms* 1.

THIS plainly shews, That any Homage by the Kings of *Scotland*, to the King of *England*, was not for their Kingdom ; but only for some Coun-

(1) *Flor. Wigorn. Sim. Dunelm. Hoveden et alii ad annum 1093.*

ties on the borders of *England* ; For if the Homage had been due for *Scotland*, the Court of the King of *England* was a very suitable place of performance ; and we see our King's refusal was not unjust, nor did it proceed from any resentment he had of the proud behaviour of the King of *England* ; But was mature and deliberate, For our King's deportment, and answer to the surprising demand of King *William Rufus*, was justified by the Nobles of both Kingdoms.

HENCE it may be observed, That any Homage, which was thereafter made by any of our Kings, to the Kings of *England*, for what they possess in that Kingdom, was rather complaisance, than right or ancient custom.

IT may also be remarked in this passage, That our King *Malcolm* went to meet King *William Rufus* at *Glocester*, upon peaceable designs, and upon concert by their Ambassadors, to conclude a firm and lasting peace ; but a secret design was lodg'd in the heart of the haughty *William*, that was soon discovered by an unexpected demand, which was positively refus'd by our brave King who wou'd do nothing that was unusual or unbecoming, & in every re-
spect

spect acted as a Sovereign Prince, and the true Father of a free people.

BY this passage we may also understand, That any Homage payed by this our King *Malcolm*, to *William* the Conqueror, was only for what he possessed in *England*.

THAT the peace between *Malcolm Canmoir* and the Conqueror, was concluded as between equal forces, so upon equal conditions, we have the plain opinion and authority of the famous *Sir William Temple*, who for his Learning, Noble thoughts, and charming expressions, is justly ranked among the greatest Men of his age; He with his accusom'd Elegancy, in his *introduction to the History of England*, relates the Motives, Conditions and Articles of this Treaty, In all which there's not the least appearance of Homage; which is the more observable, because the learn'd Knight in this Treatise takes particular nottice of the Homages made by the King of *Wales*², and by the Men of *Kent*³ to the Conqueror.

HERE I cannot pass by a gross blunder and malicious mistake, in the Declaration of War, by

(1) page 220, 1, 2, & 3. (2) *ibid.* pag. 283. (3) *ibid.* pag. 123. Henry

Henry the 8th, where it's said, that *Malcolm Canmoir* was for his offences depos-
ed, and his Son substitute in his place,
who likewise failing in his duty, *Edgar*
was made King by *William Rufus*; It
being known that this King *Malcolm*
was treacherously kill'd at *Anwick* in
Northumberland, where his eldest Son
suffer'd the same fate; But the zeal-
ous Homage-mongers startle at no
mistakes which serve their purpose.

THIS mistake is still the more mani-
fest, because *Edgar* tho' he was the
next heir by right of blood to the
Crown, after the Death of his Father
and his eldest Brother; yet both our
own and the *English* Historians relate,
That *Donald* and *Duncan*, Successively
stept in before him, and assumed the
Government and Title of King; and
Edgar is generally reckon'd the third
King after his Father.

SOME wrangler may from this pre-
tend, That *Edgar* was the true King
of *Scotland* upon his Father and Bro-
ther's death, and tho' he was for some
time debarr'd from the possession of
his Crown and Kingdom; yet he might
have us'd the Title, and made Grants
and Homages; and so hammer out
an evasion of the pregnant Argument

of the falshood of *Edgars* Charters of Homage, and of *William Rufus's* confirmations of them; from their being granted to *William* Bishop of *Durham*, who was dead before *Edgar* was King; by a notion that these deeds were granted, when *Edgar* had the Right, tho' not the Possession of the Crown of *Scotland*: And in that vieu they might very well be granted to *Bishop William*: But any such pretence in this case is wholly silenced and obviated, by the supposed deed it self, wherein *our Edgar owns that he was in the Possession of the Kingdom of Scotland, by the Gift of William King of England*; So notwithstanding of what's asserted in the Declaration of War of *King Henry the 8th*, and of what may be pretended, for the right of Blood of *Edgar* to be King after his Father, yet still the Arguments offered to disprove the Charters of Homage made by him, stand good and firm: And it's observable that even in them, *William Rufus* is not designed King of *Britain*, but only King of *England*.

ALL those things concur, to discredit the empty notion of *William* the

(1) *Vid. Append. Numb. 4.*

Conqueror's being *Monarch* or King of *Britain*: and as he did take no other designation of King, but of *England*; so his Successors continued the same Title: wherefore it's charity to think, That the Inscription of *William the third by the Grace of GOD, King of Great-Britain, &c.* upon several Millions of *English* Money Coin'd in the late Reign, was rather a mistake than any design to insinuat the Homage; there never being another *William* who was design'd King of *Britain*, for *William the Conqueror*, & his Son *William Rufus*, who were the *first & second Williams* of *England*, never design'd themselves in their Charters, Letters, Seals, or Coins, by *Britain*: And the Title of *Great-Britain*, I presume was not heard off, until the Reign of our *James the sixth* after his accession to the Crown of *England*: But true Medals and Coins, being repute the great lights and sure Vouchers of History, It was fit to notice this escape, to prevent all wrangling and amusing inferences, which hereafter might be drawn from it.

THE next particular in the suppos'd

(1) *Gulielmus III Dei Gra. Mag. Brit. &c Rex.*

Para-

Paragraphs of the Laws, favouring the Homage, Is the Letter or rather Sentence of *Eleutherius* the Pope, making the limits of the Monarchy of *Britain* and *England*, to be all the Continent and the Isles, as far as *Norway*: and in the same Paragraph is the Copy of a Letter, from this Pope, to King *Lucius* ¹, which is meer stuff; for the Sentence is said to be in the year 67, and the Letter in 169, both by one Pope, which is very disagreeable, unless we allow ourselves to believe, that this Pope lived 140 or 150 years.

THIS Letter is disproved as Spurious, by the Learn'd Sir *Henry Spelman*, by many unanswerable Arguments propounded with his accustom'd Candor and Modesty, such as, That there be words in this Letter not known in the days of *Eleutherius*; that the places of Scripture cited in it are taken from the Translation of St. *Jerom*, who lived two hundred years after this Pope; and that this Letter was not heard of for a thousand years after the death of *Eleutherius* ². And the Ingenious Mr. *Tyrrel* very frankly own this Let-

(1) *Lambard's archaion. fol. 130 & 131.*

(2) *Tom 1. concil. pag. 35.* ter

ter to be an Imposture 1.

THE third Evidence of the Dominion, arising from these Laws 2, contains a Cluster of ridiculous Absurdities; and *first*, allowing the Confessor had made a Law, that any *Scots* or *Albanians* should incur the same punishment with the *English* if they incroached upon his Forrests: yet this is nothing to the purpose, for it was a trespass, for which he might chastise any offender. *Secondly*, as to the story of *Ina's being chosen by an Angel*, & of his being the first Monarch of *Britain*; nothing can be more vain and extravagant, It even staggers Mr. *Atwood's* wide Belief, who, tho' he has no eyes to discover an Advertisement or Marginal Note; yet finds a Typographical Error, and pretends that *electus per Angelum* should be *per Angliam*, But pray who gave him Commission to turn *Law-Tinker* or *Statute-Bungler*? If in any measure he has recovered his sight, yet he seems to have lost his Memory: For he might have remembered, that the Learn'd Mr. *Petyt*, in his Treatise of *The Rights of the Commons of England asserted*, makes special

(1) *Gen. Hist of Eng. tom. 1. page 17.*

(2) *Lamb. Archaion. fol. 136 & 137.*

use of this very Paragraph ¹. But the learn'd and ingenious Mr. *Tyrrel*, who has shown himself a zealous Friend and Asserter of the Right of the Commons ², takes notice of this Paragraph concerning *Ina*, as a *notorious Falsehood inserted by some ignorant trifling Monk among the Laws of Edward the Confessor* ³, For *Ina* was never King of *Britain*, being only King of the *West-Saxons*, which is evident from his Laws ⁴, and Charters ⁵.

THIS Blunder is noticed by Dr. *Brady* in his Answer to Mr. *Petyt* ⁶, which our Author could not well forget, he having engaged as second to Mr. *Petyt*, by publishing a Treatise entitled *Jani Anglorum facies nova*: Upon this Book Dr. *Brady* has made Animadversions, wherein he has out-thrown me by far, in a Character of Mr. *Atwood*; the Drs. Words are *This new Face-maker, new Government*

(1) Preface page 8. (2) Appendix to the 3d Vol. of the Hist. of England. (3) Ead. Hist. Vol. 1. page 220. (4) Lamb. Archæion. Fol. 1. (4) Spelm. Concil. tom. 1. pag. 186. (5) Ibid. pag. 227. (6) Introd. to the old English Hist. page 4. and 5. (7) Ibid. page 165.

*m*aker, and *Parliament-maker*, hath observed no Order or Method, and his work being as wild extravagant and confused, as his Notion, I can only pitch upon some parts of his Treatise, and those the most material which are intelligible, and pass by his impertinent and unintelligible Vagaries, until such time as (if he can) he makes them to be better understood by explaining his meaning; Thus our Author is Characterized by his own Countrey-man, when he had meddled in a more suteable Subject than the Homage.

IT is unpleasant to me to be giving disadvantageous Characters of any, but one who sets up for an *Incendiary* and *Fire-brand*, by doing what in him lyes to embroil two Protestant Kingdoms, ought to be painted in his true Colours, and the more, when he persists in that abominable Office: for I'm credibly informed, he is quickly to publish another unworthy Treatise, under this or the like Title; *The Nullity of the Scots Act of Security demonstrated*; But his Writings are already become so very contemptible, that nothing from him is to be regarded. If he had not produced Charters and Laws, which speak for themselves, his confused Arguments for the Homage

Homage, wou'd not been worth notice ; and if he in this new Treatise or any other, shall justify the Charters forged by *Harding*, he will merit no answer, unless he Prints them at length with their Seals, that they may appear in their native Colours, and also have some Persons of Credit to joyn with him ; For these Deeds are reputed Forged by the Learn'd Historiographer of *England* and the ingenious Mr. *Tyrrel* 1, and our Author's own Credit is prostitut and Bankrupt, by advancing empty Notions and Paradoxes in relation to the Homage ; whereof I have mention'd some, and in the detail others will occur.

AS to the Victories of *Arthur* related in the old Laws 2, nothing could render them more ridiculous ; For if Mr. *Atwood* or any other use this Paragraph, they by a necessary consequence bring in the Laws of *England*, to vouch the lying and fabulous Tales of *Jefrey* of *Monmouth*.

THAT *Scotland* had it's name from one *Scottus* our Leader 3 is a mere Whim ; For I presume this General

(1) *Gen. Hist. of Engl. Vol. 3. Introduct.*
 page. 10 (2) *Lumb. Arch. fol. 137* (3)
ibid. fol. 139: R 2 will

will not be found in any History, but in those Legendary Paragraphs hatcht by the Juggling Monks, who spared not to vitiat their Laws by patching up Paragraphs when they served to colour a pretence to bring *Scotland* under the Dominion of *England*.

I HAVE taken the more nottice of the Falsehood of these Paragraphs of Laws, because some learn'd Authors have quoted some of them, among whom our Learn'd *Craig* has stumbled in this point.

MR. *Atwood* thinks it not sufficient to adduce some patcht up Paragraphs of the Laws of *England*; to support the imaginary Claim of Homage: but he wou'd even turn our own Laws upon us, by a pretence, That the Laws of *England*, since the time of *Henry* the second, were the Rule of Government in *Scotland*: and for proof of this, says, That the Body of Laws then composed by chief Justice *Glanvil*, was taken as a Rule for Judgment and Decision here, and that the *Regiam Majestatem*, which contains our old Laws, is taken from *Glanvil*, for which he cites our Learn'd *Craig*.

ALLOWING our *Regiam Majestatem*, to be form'd and modell'd from *Glanvil*, yet it will not thence follow, That we are subject to *England*: For most Nations had their Laws from *Rome*, there being nothing more ordinary, than for Neighbours to borrow from one anothers Customs and Laws, and it's known that the *Conqueror* introduced Laws and Customs from *France* and other Nations, yet it were most absurd, from this to infer any Subjection of *England*.

IT is indeed generally agreed, That the Affinity between our *Regiam Majestatem*, and the *English Glanvil* is such, that the one has been a Model for the other, ; And if there be any Prize or Benefit, by being the model, we may perhaps bid fair for it.

HERE I shall not incroach upon or anticipate, what with more knowledge and light may be said on this Subject, by the Honourable and Learned Gentlemen, the Lord *Pitmedlen* and Sir *James Dalrymple*, but shall only with the utmost Submission offer some few things in relation to this Matter.

IT will easily be made appear, and is acknowledged by the most Famous
and

Learn'd Lawyers and Antiquaries of both Kingdoms, That their Laws and Forms of Writs in many Things agree, especially in the more ancient Times.

TO put this Matter in its due Light, It may be considered, what is variously said and asserted, and with what Proof and Authority.

SOME affirm, That the *Regiam Majestatem*, was written in the Reign of King *David* the first, called *St. David*, who reign'd from the Year 1124 to 1153 : Others say, it was written some time after, and was for the most part borrow'd from *Glanvil* ; and others will have it to be compos'd in the Reign of King *David* the second, the Son and Successor of King *Robert* the *Bruce*, who began to Reign in the year 1330, and our Author brings it down to the days of our *James* the First.

GLANVIL is said to have been compos'd about the year 1188, in the Reign of King *Henry* the Second of *England*, and some think it was written in the Reign of *Henry* the third, who began to Reign in the Year 1216. Others think, That *Glanvil* is only a borrow'd Name, and that the Book was truly compos'd by King *Henry* the second

second of *England* ; But none pretend That it was written sooner, than in one or other of these two Reigns.

WHENCE it clearly follows, That if it can be made appear, That our *Regiam Majestatem* was composed in the Reign of *King David* the First, Then without all Peradventure, it turns the Scale, and is the Original, and *Glanvil* is only the Copy.

OUR Learn'd Countrey-men *Skene* and *Craig*, differ in this point. *Skene* is of Opinion, That *Regiam Majestatem* was collected in the Reign of *King David* the first, and so before *Glanvil* : *Craig* thinks these Books are no part of our Law, but taken from *Glanvil*, and wrongously imposed upon us : Whose Authority wou'd doubtless be of great weight, if he and *Skene* had had alike Opportunities of being inform'd in this matter ; But it may be presumed, That *Skene* had more and better Occasions to know this Affair ; For he was a Person of great Learning, was well versed in Antiquity, and was by his

(1) *Annot. in prefat. lib. 1. Reg. Maj.*

(2) *Lib. feud. dig. 8. page 38. &*

39.

merit (the best Title to a publick Office) advanced to be *Clerk Register*, whereby he had the Use and Custody of the Records; and was imployed to publish the *Regiam Majestatem* both in Latine and English. He by his frequent Quotations of *Glanvil*, and of the Statutes of *England*, shews himself to have been conversant in the Laws of that Kingdom; Whereas *Craig* wrote his Learn'd Treatise of *Fens* some years, and decess'd a year before *Skene* published the *Regiam Majestatem*, with the Arguments of its Antiquity; yea *Craigs* Opinion in his owntime was overruled by an Act of Parliament in 1607, among the unprinted Acts, and to be seen in our Records, wherein the *Regiam Majestatem* is declared to be *our old Laws*, and the People are appointed to be *Ruled, Governed and Judged by them* : There is also an Act to the same purpose, among the unprinted Acts of the Parliament 1633. It is very frequent among Learn'd men to differ in some Points, and our Learned Neighbours have various Sentiments about their *Glanvil*, but still Reason and proof is to take place.

THE Opinion of *Skene*, That *Regi-*
and

am Majestatem was composed in the Reign of our King *David* the first, is very probable : For this King was a liberal Benefactor and Founder of Religious Houses, and a great Encourager of the Clergy, who were then the most Learn'd and best Vers'd in the Law. It's also very agreeable to think, That a Prince so singularly Religious and Just, as both our own and the *English* Historians reckon him, and who was at so much Pains and Expence to promote what he thought was the Interest of the Church, and who frequently in Person judg'd the Causes of the Poor, and of Widows and Orphans ; would also be very concern'd to have the Laws for the Administration of Justice orderly Digested, for the good of his Subjects. This Thought is supported and confirmed by the Chronicle of the Abby of *Kinloss*² founded by this King *David*, where it's said, That this King employed several of his Nobles to make a Collection of the Laws of their own Countrey, and also of the most laudable Customs and Laws, which

(1) *Boeth: Hist: Scot: ad Reg. 91.*

(2) *Penes D. R. Sibbald.*

in their Travels they had observed Abroad: This being done, he called a general Council from all the corners of the Kingdom, to Digest these Laws for the Rule of Judgment in time coming; And by the general Consent of all present, there was from these Collections picked out, That System of our Municipal Law, commonly called *Regiam Majestatem*.

THE Learn'd *Skene* maintains his Opinion by the tenth Paragraph of the Preface to the *Majesty*, where the Composer says, He digested these Laws by Order of King *David*, *cum sano concilio totius Regni sui tam populi quam Cleri*. Besides in his Annotations upon the Preface, he evineth, that the *Majesty* contain'd the Laws of King *David* the first, by two irrefragable Proofs, from the Statutes of King *William* the Grand-child of this *David*, and of King *Alexander* the second his Great-grand-child.

THE first proof is drawn from the first Statute of King *William*, who began to reign in the year 1165, twelve years after the death of *David*, (having succeeded to his elder Brother *Malcolm* the fourth, commonly called the *Maiden*) By which it is appointed, That,

That, If any be challenged for Theft, the Custom and Statute of King David shall be observed: Which Statute we have set down in the 16 Chapter of the first Book of the *Regiam Majestatem*.

THE next proof arises from the 12 Chap. of the Statutes of King Alexander the Son of King William; Whereby it is statute, That all stoln Goods shall be brought to the places appointed by King David; Which places are particularized in the 20th. Chap. of the first Book of *Regiam Majestatem*.

BY these two Laws of King William and King Alexander, which are so expressly relative to the Laws contain'd in the *Regiam Majestatem*; It is evident, this Collection was made before the Reign of these two Kings in the Reign of King David. This serves also to cancel the Suggestion offered by the Learn'd Duck¹, That the *Regiam Majestatem* was composed in the reign of our King David the second, for which he adduces the Authority of Sir Henry Spelman in his Glossary at the Words *Lex Scotorum*, but with how little ground, shall be shown.

(1) *De usu & Auth. Juris Civilis lib. 2. cap. 10. § 14.* S. 2

TO illustrate this matter, and to confirm the Opinion of *Skene* and of several others of our Lawyers, The Sentiments of the Learn'd Antiquaries of England may be considered.

THE ever Memorable and Judicious Sir *Henry Spelman* in his *Glossary*, where he touches the Law of Scotland² mentions the *Regiam Majestatem*, as composed in the Reign of King *David* the first, and tells that *Glanvil* was not chief Justice until the year 1180; without moving any Objection against the Antiquity of the Majesty, and says; This Book and *Glanvil* were much the same, which he elegantly expresses thus in Latine, *In prefatione dispositione Canone verborum integrorumque capitulorum textu, adeo inter se passim consentiunt (mutatis & ascriptis quæ utriusque gentis postulat ratio) ut alter ex altero manifeste cognoscatur desumptus*: And concludes with a Modesty, suitable to his great Judgment, *Sed an nos e Scotia justitiam nostram reportaverimus alii judicent*: Here this Learn'd Gentleman raises no ground of doubt, only civilly waves the Decision of this Question; So that *Duck* has escap'd in

quoting this *Glossary* for what is not to be found in it.

IT may be thought *Duck* might have produc'd a more apposite Citation from Sir *Henry Spelmans* Learn'd and curious Treatise of *Fends and Tenures*, wherein this accomplished Gentleman with very much Civility and Respect to our Nation, doth occasionally question our having Feus in the time of *Malcom* the second, according to the Laws of that King prefixt to the *Regiam Majestatem*, and by a modest way of proposing of Queries, brings some very pungent Arguments to perswade, that the Laws ascribed to *Malcom* the second, are truly the Laws of *Malcolm the third*: And by the bye discoursing of the *Regiam Majestatem*, says, Upon better Examination *David the first*, may be mistaken for *David the Second*.

IT were unbecoming in me to enter the List with this Hero in matters of Antiquity, especially when the questions are Foreign to my purpose; For the Laws ascribed to *Malcolm* the second, and the *Regiam Magestatem* are distinct Treatises, and the falling of the one, doth not sink the other; Beside to

(1) *Reliquia Spelmaniana* page 28.
support

support the Laws of *Malcolm* the second, and in some measure to balance the Gentlemanie questions of this learn'd Enquirer, we have the positive Judgment and Sentiment of the Justices of *Ireland*, in a most solemn case and decision ¹. But without dipping farther in that matter, I make bold to think, That by what's already said concerning the Statutes of our Kings *William* and *Alexander* (which were never called in question, and have been of late cited by two Eminent and learn'd *English* Antiquaries *Mr. Petyt* ², and *Doctor Brady* ³) there is no place left for any insinuation of *David* the first's being mistaken for *David* the second: I'm moreover credibly informed, there is yet extant a Copy of the *Regiam Majestatem* transcribed in the days of King *Robert Bruce*, Father to *David* the second, whose Laws with his Fathers are subjoyn'd to the *Regiam Majestatem*: And I presume I'm enabled to give some light in this matter, and confirm the opinion of

(1) *Ibid.* page 27 (2) *Right of the Comm.* asserted page 83. (3) *Introduct. to the old Engl. Hist.* page 96 & 97,

Skene, by some other writings of the
Learn'd Sir Henry Spelman.

IN his Treatise of the probat of
Wills and Testaments, speaking of their
cognisance in ancient times, as be-
longing to the Clergy, he acknow-
ledges, That a manifest proof thereof
cannot be had in these Ancient days
of the Conqueror and of his Sons from
English Authors; But then he proceeds
and gives his Sentiment of our Laws
in these words: *We must therefore dis-
cover as we can, and very material in
my understanding as to that purpose, is
the Testimony which I find in the ancient
Laws of Scotland, composed by the Com-
mandment of David their King, who
lived long in the time of King Henry
the first, Son of the Conqueror's Grand-
Son, For these Laws have that simili-
tude with ours of that time delivered by
Glanvil, as that in effect, they be much
the same mutatis mutandis, and very
often totidem verbis, with Glanvil*

IN the close of the same Treatise
this worthy Knight says, That Wills
and Testaments belonged to the Ec-
clesiastical Jurisdiction, according to

(1) *Reliquia Spelman.* page 131.

the

the *Scotish* Law, in the time of *Henry* the first, who was co-temporary with our *David* the first, and for this cites the second Chapter of the first Book of the *Regiam Majestatem*, whereof the Paragraph is *Placitum de Dotibus & Testamentis ad forum Ecclesiasticum pertinet* : That is, All Pleas concerning Dowries and Testaments belong to the Ecclesiastical Court. Immediately after this, He with the same breath, cites *Glanvil* to prove, that Testaments belonged to the Ecclesiastical Jurisdiction, in the time of *Henry* the second of *England*, who was after our *David* the first : Then he cites *Bracton* for their being so, in the Reign of *Henry* the third ; which seems to be a clear concession and proof, That our old Laws called *Regiam Majestatem*, were collected and digested in the Reign of King *David* the first, and so by a necessary consequence before *Glanvil*.

THE Sentiment of another very Learn'd *English* Lawyer & Antiquary, the great *Selden* is worthy of Remark: He in his Treatise of the *Original of Ecclesiastical Jurisdiction of Testaments*,

when bringing proofs for clearing the
 intrinsic Jurisdiction to have been
 in the Church, and the extrinsic Ju-
 risdiction in the Kings Court, he cites
 the 38 Chapter of the second Book of
 the *Majesty*, which is very distinct in
 this point; And says, *The Regiam Ma-*
jestatem of Scotland published by Com-
mand of David the first, in the time of
Henry the first, hath for the most part,
the same Sillables with the suppos'd Glan-
vil; and this Glanvil he says was Chief
Justice under Henry the second; And
 in several places of his Writings, he
 questions very much his being Author
 of the Book, which passes under his
 Name. It's remarkable, that in the
 same Paragraph, in which he mentions
 the *Majesty* to have been published by
 order of King David, he tells, *That*
Glanvil by severals has been thought to
be anothers Work, and of a latter Time,
 and waves the giving his Opinion;
 But Nathaniel Bacon in his History of
 the Laws and Government of Eng-
 land, taken from Selden's Notes, says,
The Book of the Laws of England was
composed by Henry the second, and was

(1.) Selden's tracts, jurisdic. of Testa-
 ments page 7. (2.) Ibid page 6.

put forth under the Name of Glanvil his chief Justice. This Suggestion gives a considerable lustre to our *Regiam Majestatem*, if it has been used as a Pattern by a Royal Author. From the Learn'd Chief Justice Coke we're ascertain'd, this Prince wrote a Book of the Common Law of England. Nor are such Borrowings singular; For the *Customier de Normandy* has several Paragraphs translated from *Glanvil*. But whether these Laws were digested by King Henry the second, or by *Glanvil*; It is still after the Reign of Our *David* the first, and so posterior to our *Regiam Majestatem*. For this Assertion, we may lay Claim to the joynt Sentiments and Authority of the Great Spelman and Selden.

IT's well known our Countrey has produced men of great Learning, and that the study of the Civil Law, is more pursued with us than with our Neighbours. That our old Laws are very agreeable to the Civil Law, is evident from *Skene's* Learn'd Notes upon the *Regiam Majestatem*, which shew that in a great part, It's founded upon the Civil Law, whence the compilers

(1) Page 105. Edit. 1689. (2) Proem. 3. Vol. Reports.
(3) *Duck de usu jur. civil. lib. 2. Cap. 10.*

seem to have taken their model; For it begins like to the Institutes of *Justinian*, and is divided in four Books, according to the Division of the Institutes in the like number: Besides I presume it will not be deny'd, and is of late vouch'd by the Learn'd *Puffendorf* (who is not very favourable to us) That when all liberal Sciences were suppress'd in Europe, by a long Barbarism, the same were kept up in Scotland, which did furnish several other Nations with Learn'd Men, who instructed them in these Sciences:.

WITH these Authorities may be join'd an Authentick Memorandum sign'd by *Edward* the first of the Writts left by him in our Archives that were deliver'd to *Baliol* after he had made him King of Scotland; Among which, there is a Roll Entitled, *Unus Rotulus de statutis Regis Malcolmi & Regis David*. This strongly supports both the Antiquity and Authority of the *Regiam Majestatem*, which contains the Laws of King *David*. So that we seem to have probable Grounds to conceive and affirm, That our *Regiam Majestatem* is the Original, and that *Glanvil* has.

borrowed and copied from us, and not
we from him.

BUT whatever may be in these
things; It is nevertheless evident, that
the Paragraphs in the old *English* Laws
published by *Lambard*, insinuating the
Dominion of *England* over *Scotland*, are
notorious falsehoods.

THUS having insisted at some length
upon the falshood of the Charters and
Laws favouring the Homage; which
so far as I know, have not hitherto
been handled in that Argument; I shall
proceed to the consideration of the
two other unbecoming Artifices of
Fabulous Tales, and *Extorted Acknow-*
ledgments used in the claim of Homage;
Wherein I shall be the more brief; Be-
cause sundry things in Relation to these
matters, have with much Learning and
Judgment been noticed by our Learn'd
Countrey-men, Mr. *George Buchanan*
in his *History*, Sir *Thomas Craig* in the
Soveraignty of Scotland asserted, Sir
George Mackenzie in his *Precedency and*
Herauldry, and Sir *Robert Sibbald* in
his *Treatise of the Liberty and Indepen-*
dency of the Kingdom and Church of
Scotland: Wherefore I shall touch but
very little of what has been already
offer'd by those worthy Patriots: My
main

main design being to hint some few things that are new, and to exhibit the Copies of some unquestionable deeds, that give light to our Ancient Liberties, which I presume will be the more acceptable, because most of them are not known among us. And with our Independency, they discover some vestiges of our Ancient Constitution, and may contribute to illustrate some parts of our History.

SUNDRY Fabulous Stories have been invented by the Ancient *English* Historians, and transcribed by some Moderns, to make the World believe, the Dominion of *England* over *Scotland*, and are compris'd in a Letter of *King Edward* the first of *England* to the Pope, to justify his claim of the Superiority of *Scotland*.

I SHALL not trouble the Reader with a Recapitulation of these Fables, and of the Authors who relate them; But refer him to the Appendix, where he will find them in a Translation of a part of this Letter. In it after an amazing Introduction, of that King's calling the Great GOD the searcher of hearts. to bear Witness, That he was fully persuaded of the truth of what he Writes to the Pope; He rehearses some very Ro-

mantick and Incredible Stories, as evidences of the Superiority and Dominion in ancient times.

TO prevent the swelling of the Appendix by the length of this Letter, there's only published a part of it; For what else is in it worth notice, either is already, or shall be toucht in this Treatise: And any who please may see it at length in *Matthew of Westminster*^s, *Knyghton*^s, *Walsingham*, *Ryley*^s, and *Pryn*^s, and in Transcripts of the Process, which goes under the name of *Processus Baldredi*.

IT'S needless to insist upon the disproof of the idle Stories, implying the Homage in the remote ages; when they are so gross of themselves, and rejected as Fabulous by some of our knowing Neighbours: But they being so solemnly voucht by an *English King*, who occasion'd a deluge of Blood in this quarrel; And when this Letter is ingrossed in so many Books, and used by our Author as a Text for the Claim of Homage, and much valued by

(1) Edit 1601 pag. 439. (2) *Inter & Scrip.* pag. 2484. (3) *Inter. Hist. Angl. Norman.* &c. pag. 81. (4) *Append. ad placit. & Parliament.* pag. 596. (5) *Hist. of Edward I.* page. 887. all

all who favour that Claim; It was fit to take some notice of the Fables, which are the fiteable ground work of the imaginary Homage.

DOUBTLES the Publishers and Abettors of such glittering proofs, think they do service to their Countrey; But when duely consider'd, they only serve to proclaim and display the extravagancies and foulest of play practised in this matter.

I AM fully perswaded, That this Letter will make the Claim of Homage nauseous to all Men of candor and ingenuity in *England*; And that they will be astonish'd to see it established upon such a scandalous Foundation, as that of a great King's calling GOD to Witness, of the belief of Fables, which in our times, old Women wou'd be asham'd to tell.

WE'RE almost bound to believe, That these Stories were justified by an *English* Parliament. *Westminster* and *Walsingham*, say that King *Edward* wrote this Letter to the Pope, by advice of a Parliament Summoned for this effect: This also seems to be plainly implied in that Parliaments Letter

to the Pope, when they tell him, *It was well known throughout England, That the Sovereignty and Dominion of Scotland had been enjoy'd by the Kings of England, both in the times of the Britains and of the English*¹: And it's not to be supposed, but that their Arguments and Evidences for this Assertion were the same with those of their King.

NOT only Mr. Atwood², but also the Great Collector of the Records of this King's Reign, Mr. Pryn, a Zealous promoter of the Homage, are very positive in this matter. Mr. Pryn says, *That both these Letters were unanimously agreed and sent to the Pope in a full and famous Parliament, specially Summoned for this occasion, as remarkable evidences of the King of England's Ancient undoubted Right of Scotland*³. For the truth of this, he produces from the Records a Copy of the special Clause insert in the Writs of Summons to the Members. He also tells us, *That this King did moreover issue special Writs to several Deans, Archdeacons, and other Learn'd Men, to appear at this Parliament, to advise with the Lawyers and others of his*

(1) *Ibid.* (2) pag 101 (3) *Hist: Edm. 1.*
Page 893. Council

Council concerning his ancient Title to *Scotland*, nor did the King rest here, but likeways sent Writs to the two Universities, that each of them might send four or five of their best Scholars in the written Law ; And further, he issued Writs to the Abbots, Priors, Deans and Chapters, to search out and send all their Chronicles to this Parliament .

THESE things, at first view, make a mighty Dash and Appearance for the Homage: But it's a strange Infatuation in the Homage-mongers, to be so fond of a Letter, and of late to publish it, so frequently ; That in the first Arguments & Evidences which it brings to prove the Homage evidently shows, That Reason was abandoned to gratify a prevailing Itch of Dominion over a free people.

SUCH was the Credit *K. Edward* gave to these Stories, and his concern to have them believed by others, that he beseeches the Pope to despise all that can be said against them as *Artificial and lying Tales*.

NOR was this Letter sent to the Pope to serve a Turn, by entertaining

(1) *Ibid.* page 883, 884, & 885.

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(1) *Ibid.* page 883, 884, & 885.

the Holy Father with amusing Pretences in behalf of the Superiority. King *Edward* was resolved to have them also transmitted to Posterity : For besides this Letter, there's yet extant in the Tower of *London* an Instrument made by this King's special Command written by two sworn Notaries, approved by the Pope, in sundry large Rolls of Parchment, which Mr. *Pryn* gives at length, and asserts it to be the most compleat and uncontrollable Evidence of the Dominion ¹. In this Record, all the Arguments and Evidences for the Homage are ingrossed, with the names of several Historians from whence some of them are collected. Here the fabulous Stories are placed at large, and one of them with some comical Circumstances not mentioned in the Letter ², and how others of the Evidences contained, both in this Record and Letter, are mangled and disguised by *K. Edward*, will easily be made appear.

ALL who favour the Homage extoll this Prince to the Skies, and others who go not that length, reckon him a brave Prince, and regrave that his At-

(1) *Ibid.* page 487. (2) *Ibid.* page 495 and 496.

chievements in *Scotland* are not recorded by some person of Abilities, suitable to so Noble an Undertaking. Respect is due to the Memory of Crown'd Heads ; But the Image and Supercription of *Cesar* hinders not an enquiry into the Mettal of the Coin. It can scarce be thought that any *Scots*-man will entertain a kindly Remembrance of a Prince, who endeavour'd to sink our Liberties, and destroy'd or carried off our ancient Records and Monuments ; Yet I shall lay nothing to his Charge but what's voucht by *English* History or unquestionable Records.

HOW big and glorious soever the Actions of *Edward* the first may appear to some of our Neighbours, yet when duely considered, they'll be found to have been levell'd against the Liberties of *England*, as well as the Liberties of *Scotland* : Which is evident from the account of this Kings Government, given by one of the most impartial *English* Historians : The notable *Nathaniel Bacon* in his valuable *History of the Laws and Government of England* taken from the notes

of the Learn'd Selden 1. This Author plainly unfolds the Arbitrary Designs and Projects of this King. *That under the Colour of the Welsh War he maintained an Army in the field, that he might the more bow his Subjects to his own bent. That however Debonair this King seemed to be, yet his Lords trusted him no farther than needs must, for whether they served in the Council or in the field, still they were armed. And that by irregular Preparations by War, by summonding his Vassals, and Taxes imposed by an arbitrary way, he increased the Rancor of his people into a kind of Statescoul, little better than a Quarrel, for appeasing whereof, he granted many Confirmations of the Grand-charter, but alwise with Stings in their Tail. Thus the Candid Mr. Bacon Represents the Actings of Edward the first toward his own people : Then he intermixes this Prince's Concerns with us, which are with much plainness and significancy exprest in his own excellent Words : He says, That this Kings last Statute, confirming the magna charta, became like a hocus pocus, a thing to still the people for the present and serve the Kings*

turn, that he might more freely intend the Conquest of the Scots ; which once done, he might, if he would, try Masteries with England. But GOD would not have it so ; the King in Scotland had power to take, but could not overtake ; and the Scots like Birds of the Prey, had Wit enough to fly away, and courage enough to return upon Advantages : and so the King was left to hunt the Wind ; which made him to return.

HE might now expect the Applause of his people for his good Success, and the Terrour of those that had stopped the broad way of his extravagant Prerogative ; and therefore, looks big, rubs up old Sores, and (having his Army yet in the field) sends for those Lords that would not follow him in his Wars in Flanders. All come and submit, and as it were in so many Words let the King know, That all England is now Tame, and like to be ridden at his Discretion. And now there's nothing in the way but the fatal Execration, which he feared, not in relation to God's anger, but rather to the exasperate Clergy, and the dread of the Popes direful Thunder-bolt. To avoid this Storm, he procures a Dispensation from Rome, To Perjure and Oppress without sin, a trick that he learn'd of his Father, and
hid

hid it within his Breast, till about two years before his end, he brings it furth to tell all the World that hitherto he had been just against his will. But having obtained his purpose, he, nevertheless, misseth of his end, for a new King of Scots (our old good Enemies) by divine Providence suddenly crossed his way before him, and now it boots not to contend for Arbitrary Rule in England, and lose the Crown of Scotland, which he once thought he had sure; he faces about therefore, and having spoken fair to his People, for Scotland he goes. Thus if all were not in a parenthesis, the King intended a good Period; but GOD only knows what his furthest reach would have been if he had returned; for he was taken out of this World in Scotland, and so left this his Government somewhat like an imperfect Sentence.

I HOPE none will think it forreign to the Purpose to give this Hint of the Government and Projects of this King, who was the Champion of the Homage; from a Treatise so universally and justly valued by all Our Neighbours, who regard their Priviledges.

FROM what's said by Mr. Bacon, It's plain that the Liberties of Scotland were the Blind; But the Magna Char-

ta of *England* was the mark, which this Prince aimed at. His picking Quarrels with us, by a Claim of Superiority, and prescribing us a King upon his own Terms, served as a plausible pretext, to keep up a standing Army that overaw'd his own Subjects; and the more he succeeded in depressing our Liberties, the more was his power in *England* put beyond controul. And the Diversion we gave him in defending our Liberties, was what stopt the Career of his Arbitrary Practices and Designs at Home, and warded the fatal blow, which he designed for the *Grand-Charter*. To the Reader I leave to Judge, what we might expect from a King, who to bereave his own people of their Birth-rights, procured a Dispensation **TO PERJURE AND OPPRESS WITHOUT SIN.**

IT'S already hinted, how for Evidences of the unjust Claim of Dominion, this King made use of fabulous Stories: And more of his Arguments and Practices in that matter, will hereafter fall in our way.

IF any desire to be farther satisfyed concerning the ridiculous Stories of *Brutus* and of his Sons & of *Arthur* & of *Athelstan*

thelstan &c. They may consult *Buchanan*, *Sir Thomas Craig* & *Sir George Mackenzie* in the Treatises I have mention'd. What is most regarded by the Moderns, of that ancient Stuff, is the Story of *Edgar* of *England* his having so many Kings under his Dominion, which I have already disproved, and *Sir George Mackenzie* has evinced the Falsehood of it from Chronology. Now whether we look into the *English* Historians, or into the Letter of *King Edward* the first to the Pope, or into the Instrument made by the two Notaries at his Command; It is very manifest that fabulous Stories have been used as pregnant Evidences of the Homage.

IN the next place come to be considered the Acknowledgments made by some of our Kings, Nobles, and Clergy, of the Superiority and direct Dominion of the Kings of *England* over *Scotland*; which I presume will be found to be notorious *Extortions*, and Acts of Oppression.

THE first plain and positive acknowledgment of the Superiority, was in the Reign of *William* King of *Scotland*, and of *Henry* the second King of *England*. This King *Henry* before he came to the Throne, was most kindly

ly and civilly entertain'd and assist-
ed by King *David*, Grand-father to
King *William*, and according to the
Custom of those Days, he was knight-
ed by him. At this Solemnity *Henry*
did publickly Swear, That if ever he
came to be King of *England*, he wou'd
give *David* *New-castle* and all *Northum-*
berland, and that he and his Heirs
shou'd for ever possess all the Lands
from *Tweed* to *Tyne*, peaceably without
any Molestation ¹. Nevertheless, as
soon as he came to the Crown of
England, he took advantage of the
Youth and easie Temper of our King
Malcolm the fourth, commonly called
the Maiden, the Grand-child and Suc-
cessor of King *David*, and contrair to
his Oath resum'd all former Grants
made by his Predecessors to the Kings
of *Scotland* of the County of *Northum-*
berland ². And our own Historians
tell, That *Malcolm's* Subjects were so
dissatisfied with his suffering himself
to be abused by *Henry* of *England*, That
they besieg'd *Perth*, where *Malcolm*

(1) *Hoveden* page 490. (2) *Rad. de*
diceto inter X Script. Matth. Paris, &
Mat: Westm. ad annum 1157 & Tyrrels
Hist. Vol. 2. page 303.

kep't his Court, and with much Difficulty were reconciled to him.

THIS *Malcolm* dying without Issue, *William* his Brother another Grand-child of King *David* succeeded him, who immediatly upon his Accession to the Crown, demanded of King *Henry* of *England* the County of *Northumberland* as his by Right 1.

THE King of *England* knowing how much King *William*'s Grand-father had contribute to the Settlement of the Crown upon him (which is even own'd by Mr. *Atwood* 2) and that he had Sworn to maintain him and his, in the right of *Northumberland*, did put him off for some time by civil Excuses; But King *William* finding himself eluded by fair pretences, He at length raises an Army to vindicat his Right by the Sword, which he cou'd not obtain by a friendly Treaty. Upon this the Bishop of *Durham* in name of the King of *England*, by giving King *William* in the mean time three hundred Merks of the Rents of *Northumberland*, procured a Truce for some time 3; which

(1) *Holinshed Hist. of Scotland* page 187. (2) page 262. (3) *Hoveden* page 537.

being

being expired, King *William* enters *Northumberland*, where he had the Misfortune to be taken Prisoner, by surprise at *Anwick* ; and was in a rude and barbarous manner carried to the King of *England*, who made him a close Prisoner in *Richmond Castle* 1. Thereafter he carried him over to *France*, where he was again imprisoned first in *Caen*, and afterwards in *Falaise* 2.

WHEN King *William* was in such Circumstances as to be intirely in the power of the King of *England*, rudely used and toss'd from Prison to Prison ; The King of *England* extorted from him a Deed bearing date at *Falaise*.

BY this extorted Deed our King became Liege-man of the King of *England* for *Scotland* and for all his other Lands ; and payed Homage to him and his Son, whom he had caused Crown as King. Our King did also undertake, that his Bishops and Nobles shou'd do Homage to the King of *England*, as his other Liegemen use to do, and that his and their Heirs shou'd do Homage to the Heirs of the Kings of *England*.

(1) *Tyrrels Hist. Vol. 2. page 386.* (2) *Hoveden page 540.*

King *William* likewise granted, That the Church of *Scotland* shou'd be in such Subjection to the Church of *England*, as was due and accustomed in the time of *Henry's* Predecessors Kings of *England*. And it was agreed, that neither of the two Kings, nor their Subjects shou'd harbour *Felons* who shou'd flee from the one Kingdom to the other.

FOR Performance of this Agreement, the King of *Scotland* gave several of his Nobles as Hostages, and delivered up to the King of *England* the Castles of *Roxburgh*, *Berwick*, *Jedburgh*, *Edinburgh* and *Stirling*, as Cautionary Forts, and assign'd a part of his Revenue for the maintaining of these Castles.

THESE be the material Articles of this Agreement, which is to be found at length in *Hoveden* 1, *Brompton* 2, *Pryn* 3, and *Dr. Brady* 4. *Mr. Rymer* has also published it 5, and *Mr. Atwood* presents us with a Translation of it 6.

(1) *Pag.* 545. (2) *Inter X Script.* *pag.* 1103. (3) *Hist. Edw. 1.* *page* 492. (4) *Appendix to the Hist. of England.* *Numb.* 67. (5) *Fœdera Angliæ tom. 1.* *pag.* 39. (6) *page* 263.

IT may be thought needless to bring Arguments to evince the Nullity of Deeds extorted in imprisonment; Or to adduce instances of the like or greater Misfortunes in some Princes, whose surrender of their Sovereignty, was never thought to entail any Servitude upon their Successors and People.

NONE have less Reason to plead any Right or Dominion upon such Deeds than our Neighbours. For *Richard* the first when he was the Emperours Prisoner, subjected *England* to the Emperour, and received Investiture from him of that Kingdom, to hold it of him, for payment of a yearly Tribute 1. King *John* did yet worse, for when his Brother *Richard* was in Captivity, it's said he aim'd at the Crown by the Assistance of the King of *France*, of whom he was willing to hold *England* 2. Afterwards when this *John* succeeded as King, by the death of his Brother *Richard*, he with consent of his Barons made *England* Feudatory and Subject to the Pope by a most solemn voluntary Deed, made and Sworn to, in presence of his Bishops and

(1) *Hoveden* pag. 724. (2) *Id. Ibid.*
Nobles

Nobles ¹. Yea, *Matthew Paris* the Historiographer to *Henry* the 3^d his Son, tells us a long and circumstantial story, How King *John* by a solemn Embassy, offered to hold his Crown of a Mahumetan Prince, who was a Negro, and that he was willing to abandon Christianity, and turn Musleman ². And King *Henry* his Son payed Homage to the Pope for *England* ³. Yet I presume it would be reckon'd Injurious in the Emperour or Pope to lay claim to *England*.

THE Novelty of the Superiority of *England* over *Scotland* is clearly implied in the before mentioned Deed of King *William*, seing it does not mention, That any Homage was formerly done or payed for this Kingdom, which certainly would have been exprest if any such thing cou'd have been alledged ; For in this Deed, There's a Retrospect as to the Subjection of the Church of *Scotland* to the Church of *England* ; because from some of the *English* Historians, we understand that there were Struggles and Contests about this Subjection of the Church, which

(1) *Math: Paris ad annum 1213. & Rymer fœdera Angliæ page 176.* (2) *Mat: Paris ad ann: 1213.* (3) *Id. ad ann 216.* was

was claim'd by the *English* and refused by the *Scots* ; So from hence, it is evident, That there was no former Claim of Dominion and Superiority over the Temporality of *Scotland*.

BY so many Hostages and Castles being put in the hands of King *Henry* the second of *England*, He enjoyed this Superiority and Dominion during the rest of his Reign : But within a little time after his death, his Son and Successor King *Richard* the first, a brave Prince, being convinced of the Injury done by his Father, to the King and People of *Scotland*, did by his Charter Restore to our King *William* such Castles in *Scotland* as were then in the Possession of the *English*, as being his own by right of Inheritance, and did acquit him from all Agreements which his Father *Henry* EXTORTED from him by New Charters and his Imprisonment. By the same Deed King *Richard* Declares that King *William* of *Scotland* did pay Homage to him only for these Lands which his Predecessors held of the Kings of *England*, As may be seen in this Charter and Renunciation placed in the Appendix .

THAT the Lands for which *William*

King of Scotland did Homage to Richard King of England were in England, is very clear from this Renunciation, and is fully testified by *Hoveden* ¹, *Matthew Paris* and *Westminster* ². In *Hoveden* the account of this Matter is very particular and distinct, which is the more remarkable, because, as shall hereafter be made appear, it is strongly disguised and mis-represented by King *Edward* the first. This Historian tells us, *That in November 1189 Geoffrey Elect ABishop of York, with the Barons of York-shire, and Sheriff of York, by Order* * *of the King of England went to the River of Tweed, and received William King of Scots, to whom they gave all due Honour, and safely conducted him to King Richard at Canterbury, where in December King William did Homage to him for his Dignities in England, as his Brother Malcolm had them: And King Richard restored to him the Castles of Roxburgh and Berwick, and did acquit and free him and his Heirs for ever, from all Allegiance and Subjection for the Kingdom of Scotland, to himself and to his Successors Kings of England.* King

* Per
manda-
tum.

(1) Pag. 662. (2) *Ambo ad annum*
1189.

William for this Restitution of his Castles, and for the Release of the Fealty and Allegiance for the Kingdom of Scotland, and for a Charter to be granted by Richard thereupon, gave to Richard King of England Ten Thousand Merks Sterling, whereof Richard gave to him a Charter in this Form. Then Hoveden sets down the Charter at full length¹. The same Hoveden explains the Homage done by King Malcolm William's Brother, by telling us, That Malcolm met Henry the second at Chester, and payed Homage to him in the same manner as his Grand-father payed to Henry the first, Saving all his Dignities², which *Salvo* must be in Relation to his Royalty of Scotland since he had no other.

ALL which make it as clear as possible, That before this time, there was no Homage known to be due by the Kings of Scotland to the kings of England, but only for such Lands and Honours as they enjoy'd in England : Which evidently demonstrates all Charters of Homage said to be made by any former Kings of Scotland to be

(1) Hoveden pag. 662. (2) Ibid. pag. 492.

notorious Forgeries, and discovers all the Evidences brought from History for the Homage, in the remote Ages, to be meer Dreams and Imaginations.

SURE none will be so partial to lay the Stories and idle Tales of any Monkish Historians in the Ballance with the Assertion of a brave and famous *English King*, testified under the Great Seal of *England* in presence of three Arch-bishops, five Bishops and of several Nobles, and many others.

WERE nothing else known in History or Record, but this Charter of *Richard*, It is of it self an absolute Condemnation of the Claim of Homage as Unjust, and an unanswerable Evidence of Our Independency, voucht by a King of *England*, whose Father having invaded Our Liberties, He justly restored them, and in our Vindication by a most solemn Deed, did, in plain Terms, Imprint EXTORTION upon the Memory of a King and of a Parent: To which nothing but the force of Truth can be suppos'd to have induced him.

THE Reality of this Deed is acknowledged, being transcribed at full length in *Hoveden* ¹, *Westminster* ², and

(1) pag. 662. (2) *ac ann.* 1189.

Dr. Brady's History of *England* 1 ; and it's mentioned by the Historians, who treat of those Times: Beside we now know, That the Original is yet extant among the Archives of *England*, and from thence the Learn'd Historiographer, has within these few Months published it 2.

DOUBTLES *Edward* the first carried off this Deed, with others of our ancient Records and Monuments, That no Vestiges might remain of our Liberties ; But Providence, which favours injur'd Innocence, has preserved and discover'd this Charter with the Seal intire 3, as a visible Mark of the bad Usage we had from this King.

IT seems very odd in this King to recite in his Letter to the Pope the Substance of the Deed, whereby Our *William* while he was a Prisoner, subjected his Kingdom to *England*, And to insert this Deed at full length, as a mighty Evidence of the Dominion, in the notorial Instrument depositat in the Tower of *London*, when by an Original Acquittance taken by him from our Archives, The Deed of Subjection

(1) *Append. Num.* 68. (2) *Fœdera Angliæ* pag. 64.

(3) *Ibid.* pag. 66.

was releas'd and made void, as being extorted by new Charters from a Prisoner.

NOR can any thing exeem this King *Edward*, from having his Memory charged with the guilt of shedding Rivers of Innocent Blood, by his making War upon the *Scots*, in pursuance of a claim of ancient Dominion over *Scotland*, which was so clearly disproved by *Richard's* Charter, industriously suppressed by him.

THAT this King did not boggle at such Practices is manifest from a parallel Case, transmitted by his own special Order to Posterity. In the afore-said Instrument lying in the Tower of *London*, composed by Direction of this King, and transcribed by *Pryn*, There is a Citation from *Hoveden* to prove, That King *William* payed Homage to *Richard* the first of *England*, to this purpose. *It is* (says the Instrument) *to be found in the Chronicles of Roger Hoveden, That in the year 1189 Richard the Son of Henry King of England succeeded to his Father; In the which year in the Moneth of December, William met Richard at Canterbury, and there he did Homage to him.* Then the Instrument proceeds to Evidences of
the

the Homage, in the Reign of King *John* who succeeded *Richard* 1.

THIS plainly displays the most unbecoming Disguise and Mis-representation that is to be found in History. For I have recited this Passage from *Hoveden* in his own Words, which is so far from giving any colour to the Homage for *Scotland*, That it evidently shews, that the Homage was only paid for Lands in *England*, and to this Passage is subjoyn'd *Richard's* Charter, which evinces our Independency.

IT was a strange Assurance in King *Edward* to publish to the World the half of a Sentence, when the rest of it wholly overturned his Claim. What would he not say when he used such shifts? Will any man of Candor or Modesty give Credit to Evidences of Homage, or can he think that they are not one way or other disguised and mangled: when we find such abominable Blunders, in the Proofs digested and composed by Authority and Order of a King.

HENCE we may clearly see, That *Edward* the first, both knew of, and suppressed the Charter of *Richard* the 1.

FOR illustration of the Matter, I have placed in the Margin, the words of the Letter to the Pope, and of the Instrument in the Tower, and the Words of *Hoveden* in their Original *.

* *The words of the Letter to the Pope, concerning King Williams Homage to King Richard the First.*

Et idem Rex Scottorum *Willelmus* post decessum Regis *Henrici*, veniens Cantuariam *Richardo* Regi Angliæ filio et heredi dicti *Henrici* fecit Homagium. Quo *Richardo* viam universæ carnis ingressio, &c.

The words of the Instrument in the Tower of London.
In Chronicis Rogeri de *Hoveden* invenitur, Quod anno Domini 1189, dicto Regi Angliæ *Henrico* Successit *Richardus* filius ejus; Quo anno mense Decembris. venit Cantuariam idem *Willelmus* Rex Scottorum ad ipsum Regem *Richardum*, et homagium sibi fecit, cujus tempore *Scotti* non rebellaverunt, &c. Then it proceeds to the time of King John.

Hoveden's words are.

Eodem anno (viz 1189) mense Novembris *Gaufridus Eboracensis* electus una cum baronibus *Eboracensis* scyæ et Vice-comite *Eboraci* per mandatum Domini Regis perrexit usque ad aquam de *Tweed*, et ibi recepit *Willelmum* Regem Scottorum, et exhibuit ei honorem debitum et securum conductum usque ad Regem Angliæ. Venit igitur cantuariam *Willelmus* Rex Scottorum mense Decembris ad Regem Angliæ, Et fecit Homagium pro dignitatibus suis habendis in Anglia sicut *Malcolmus* Frater suus habuit. Et *Richardus* Rex Angliæ reddidit ei Castellum de *Kokesburgh*, et Castellum de *Berewic*, libera et quieta, Et eum et omnes heredes suos clamavit liberos et quietos ab ipso et regibus Angliæ in perpetuum de omni ligantia et subjectione de Regno *Scotiæ*, Et pro hac red-ditione Castellorum suorum, et pro quieta clamantia fidelitatis, et ligantiæ de Regno *Scotiæ*, et pro charta *Richardi* Regis Angliæ inde habenda *Willielmus* Rex Scottorum dedit *Richardo* Regi Angliæ decem millia mercarum *Esterlingorum*. Unde *Richardus* Rex Angliæ fecit ei Chartam suam in hac forma. *Richardus* dei Gratia Rex Angliæ, &c.

PERHAPS *Edward* thought, That *Hoveden* would for ever continue in the hands of Friends of the Homage, but the Invention of Printing has made it more publick, and the zealous *Pryn*, who publishes this famous Instrument, as an uncontrollable Evidence of the Dominion, has the singular Boldness to set in his Margin the 662 Page of *Hoveden*, where the monstrous Disingenuity will stare the Reader broad in the Face.

RICHARD'S Charter is a strong Argument for our Independency, and a convincing one against the Claim of Homage. It hath so puzzled the Zealots of that Claim, that in their Evasions, they directly clash against one another.

SOME pretend, That it was granted in consideration of a Sum of Money which the *Scots* will never be able to prove was paid. To this Our Learned *Craig* makes Answer, That it cannot indeed be easily proved at such an Interval of time, yet the Prescription of so many Ages, takes away all Right of Demand, and the Restitution of the Castles, which were laid in pledg give ground to presume that the Debt was paid^r. This is suf-

(1) *Scotlands Sovereignty* page 304. (2)

LICA-

ficient to remove that weak Objection. But farther, *Hoveden* who lived in these times being Chaplain to King *Richard's* Father ¹, and other *English* Historians tell the Money was paid : Besides, there's a Charter granted by King *William* to the Monks of the *Cistercian* Order, published in the Appendix from the Original ², in the hands of a Noble and ancient *Scots* Peer: In the which this King tells, That himself and his Kingdom being under Servitude to *Henry* late King of *England*, he behoved to pay Money to *Richard* his Son and Successor for redeeming of his own freedom, and for restoring his Kingdom to its ancient *Liberty*, and says, *That this event never before happened, and trusts in God the like shall never occur.* This Charter plainly shews that the Money was payed, as likewise that any ancient Claim of Homage was unknown to us.

MR. *Atwood* turns the Tables, and admits the Money to be payed, but pretends, *That it was a private Deed of King Richard, for the sake of a little mo-*

(1) *Hist. Library of England tom. 1. page 160.* (2) *Numb. XXI.*

ney, when he was intent upon the Holy War 1.

ANY who look upon this Deed, and consider either the number or Quality of the Witnesses, will not readily think it a privat Deed. If it had been such, it's very probable it wou'd have been better known in the days of *Edward* the first, when it had been more honourable to disprove it upon any plausible ground, than base-ly to suppress it.

OUR Author farther pretends, *That the Words of Richard's Charter are ambiguous, except as to the restoring of the Castles, and the rest was only a Feather in the Scotch Kings Cap* 2.

HE, who thinks *Extortion* and *new Charters* ambiguous Words, both which are to be found in *Richard's Charter*, may say what he pleases: But to justify his Pretence, he says, *The Acquittance was made with a Provifo, That the King of Scotland perform intirely and fully to King Richard, whatever King Malcolm his Brother did, or of Right, was obliged to do to Richard's Predecessors.* From thence he subsumes, *That if the Kings of Scotland had been obliged to*

do Homage for their Kingdom to the Kings of England, that Obligation was not intended to be lessen'd by this Charter 1.

IT seems Mr. *Atwood* will still be Mr. *Atwood*: If the Kings of Scotland were Liegemen for their Kingdom to the Kings of *England*, before the Grant of Subjection, which was extorted from King *William*: Then there was no use of a Renunciation and Acquittance: And our Author, in stead of making this deed a Feather in the Scots Kings Cap, shou'd have given him Hood and Bells, for asking any such Thing; and much more for giving a considerable Sum(in those days for it. And King *Henry* of *England* may be thought to have deserved the like, for demanding an acknowledgment of Subjection from a Prisoner, which was before due to him.

BUT the King of *Scotland* his becoming Liege-man to an *English* King, when he was in the Dismal Circumstances of an harass'd Prisoner, & the Acquittance of this Subjection, bearing in exprefs Terms, That the Grant was *New and Extorted*; plainly demonstrat, That the Superiority and Dominion of

England over *Scotland*, was then a Novelty.

The *English* Historian *William* of *Newbriggs*, who lived about those Days, did reckon it a Novelty: For he says, That *Henry* the 2d was the first of the *English* Kings, who had dominion over *Scotland* ¹. The like is said by *Henry Knighton* a friend to the Homage ², and from whom probably Our Author glean'd the Subterfuge of *Richard*'s granting this Charter, for the sake of Money, when he was intent upon the Holy War.

TO Confirm, if it were needful, this Charter, it may be considered; That by it, *King Richard*, conform to ancient Custom, was bound to give safe Conduct and suitable Allowances, To *King William* and his Successors, when they came to the Court of the King of *England*, as shou'd be regulate by some Nobles to be delegate by the two Kings.

NO sooner was *Richard* releas'd from his Captivity, and return'd to *England*; but this matter was settled by a Grant of *King Richard* delivered

(1) *Lib. 2. Cap. 4.* (2) *Inter X. script.*
Pag. 2392.

to our King *William* ¹, whereof the Copy is placed in the Appendix ². By it the Bishops, Sheriffs and Barons of the Counties throw which he passed, were appointed to attend him; and the Allowances given to him were great and Noble with respect to those times.

ROYAL Interviews were then frequent; The King of *England* went sometimes to the Court of *France*, he having Possessions holding of that Crown. The ground of our Kings having Attendants and Allowances when they went to the Court of *England*, is explained by the Learn'd Sir *Thomas Craig* from the Civil Law ³. By the Collections of the Learn'd Historiographer of *England*, We find, That the two Kings met frequently to confer about the Affairs of both Kingdoms at *York*, being near the Center between the two Royal Seats, and sometimes the Kings of *England* have come the length of *New-castle*, *Berwick*, and *Norham* for interview, or Treaty.

NOW it cannot be imagined, That if either the Money was not payed to *Richard* for granting the Acquittance,

(1) *Hoveden* pag. 738. (2) *Numb. XV.* (3) *Scotl. Soveraig.* pag. 305.
Or

Or if he had taken it from a Fondness to go to the Holy War, he he who for his Bravery, had the Title given him of *The Lyon's Heart*, would have afterward granted any Deed in pursuance of that Acquittance.

THIS last Grant of *Richard*, bearing such Noble and large Concessions to our King, made *Edward* the first carry it off with the Acquittance, and other Deeds implying our Independency : : But this Deed is yet extant in the Archives of *Westminster*, and is of late published by Mr. *Rymer* from the Original ².

LEST any shou'd be amused or stumble at these Words in *Richard's* last Charter, *Postquam Rex Scotiæ de Mandato nostro transierit fines Regni sui*, As if our Kings had been under the Command of the King of *England*; It may be thought fit to notice, That the word *Mandatum* (a *Mandat*) does not referr to our King, but is a Law Term, ³, and by it here is meant a

(1) *Append. Num. XXVI.* (2)
Fædera Angliæ Tom. 1. Pag. 37. (3)
Cowells Interpreter and Blunts Law Dictionary.

Writ direct to them who were to attend our King, when he came to *England*, without which they were not bound to Attendance. This is evident by the Passage already mentioned in *Hoveden*, where we find, when *William* met *Richard* at *Canterbury*, There was a *Mandat* direct to the Bishop and Sheriff of *York* to attend him. Of such Mandats many are to be seen in Mr. *Rymers* Collections of Treaties, &c. directed to the Officers of the King of *England*, (bearing expressly the Title *Mandatum*) for receiving our King upon the Frontiers of that Kingdom, and Conducting him with all Honour to the *English* Court.

THUS I hope it's evident, That the first Acknowledgment, and Homage made by our King to the King of *England* for *Scotland*, was a Manifest *Extortion*, and Act of Oppression.

THE next Acknowledgments of the Superiority of *England* over *Scotland*, are these that were made to *Edward* the first of *England*, which shall be demonstrated to have been also *Extorted*.

TO make these Extortions the more manifest ; It seems fit to touch some Historical Passages, from the time of *King Richard's* granting the Renunciation,

ciation, which evinces our Independency, to the Days of this *Edward the first*; Which will farther clear our Independency, and remove some Arguments and Insinuations offer'd by Mr. *Atwood* and others, in behalf of the Homage.

IN the Days of *King Richard*, we find little else did pass between King *William* and him, beside what is already told, save that *William* in April 1194 demanded of him the Counties of *Northumberland*, *Cumberland*, *Westmorland* and *Lancaster* in the Right of his Ancestors. About which demand, *Richard* having consulted his Nobles, he demurr'd upon a Grant of *Northumberland* for reasons of State ¹. Thereafter our King renew'd his demand of *Northumberland*, with an offer of 15000 Merks; Which the King of *England* was willing to accept of for *Northumberland*, excepting the Castles: But without them our King would not take it ².

AS soon as *John* Succeeded his Brother *Richard* in the Crown of *England*, Our King *William* sent two

(1) *Hoveden* Pag. 737. and 738.

(2) *Ibid.* Pag. 739.

Priors, and *William Hay*, as his Ambassadors, to require of King *John*, *Northumberland* and *Cumberland*, and offer'd for them to Swear Fealty to him. *John* being then in *Normandy*, his Ministers pray'd the *Scots* Ambassadors, to have a little patience till the Kings return. With this King *John* being acquainted, he sent his Son in Law *Eustach de Vesci* to King *William*, To assure him, That when he came to *England*, he shou'd give him all satisfaction in his demands ¹.

WHEN King *John* return'd from *Normandy*, The *Scots* Ambassadors made the demand to him, and certified him, That if it was refused, their King wou'd do his utmost to recover his Right. To it King *John* gave this soft Answer, *That when his dear Cusin the King of Scots came to him, he wou'd do him Justice in that and in his other demands.* And in Testimony of his Sincerity, he sent the Bishop of *Durham* to meet our King, and King *John* went to *Nottingham*, where he stay'd some Days expecting him : But our King positively refused and renew'd the demand, and Certification made

by his Ambassadors: Only he agreed to a Truce of Fourty Days, that he might have an Answer from King *John* ¹.

THEREAFTER King *John* went to *York*, in hopes that King *William* shou'd meet him there, which he wou'd not do: But in a little time after, he was prevail'd with to come to *England*: Whereupon King *John* gave him and his Retinue Letters of safe Conduct, and sent to the Borders a very Noble and numerous Attendance to conduct him. At *Lincoln* they met, and in an Interview upon a Hill by that place, Our King, in presence of his Brother *David* Earl of *Huntington*, and many other Noble Persons, did Homage to King *John*, with a *Salvo of his own Right* ². Upon doing of this Homage, he required of King *John*, *Northumberland*, *Cumberland*, and *Westmorland* as his Right and Inheritance: But after much Discourse, the two Kings not agreeing, The King of *England* desired time of the King of *Scots*, to deliberate upon it till the ensuing *Whitsunday*,

(1) *Ibid.* Pag. 797. (2) *Ibid.* Pag. 811.

which was at his desire Prorogat until *Michaelmas*.

HERE the Learn'd Mr. *Tyrrel* Charges Our *Buchanan* with Vanity, for making this Homage to be paid only for Lands in *England*; Because after it was made, *William* demanded the Northern Counties of *John*: So that it cou'd not be for them. Nor yet could it be for *Huntington*, because That Estate and Title was then vested in the Person of King *William's* Brother *David*, wherefore Mr. *Tyrrel* concludes it was for *Lothian*, and some parts of *Scotland* 1.

WHATSOEVER is advanced by that worthy Gentleman in this Argument merits Consideration. For tho', as I have observed in the entry of this Essay, he has given a severe, and in appearance, a general Censure of Sir *Thomas Craig's* Treatise of the Homage, Yet I wou'd fain Hope he did it only upon the Account of Sir *Thomas's* Suggestion, That there were no *English* Annals from *Bede* to the Reign of *Henry* the first: Seing Mr. *Tyrrel* shows a dislike of most of the Monkish Stories produced for the Claim of

Homage ; Nor hath he conceal'd or disguis'd some great Abuses done to us in that Claim, for which Mr. Atwood has sallied upon him.

BUT to remove the Insinuation made by this Ingenious Person, Of King *William's* paying Homage to King *John* for *Lothian*, It may be considered: That first, It is a Novelty, there being no former instance of any such Homage. If the Passage in *Mathew Paris* of *Alexander* the Third's doing Homage for *Landiana*, which Mr. *Tyrrel* calls *Lothian* ¹, has given any Encouragement to this Thought, The Fallacy of that Passage will be hereafter discovered.

NEXT, It's not to be imagined, when Our King was so Zealous in his Demands, as he wou'd not meet the King of *England*, unless he did him Right, and when that King was so Complaisant, That ever King *William* wou'd do him Homage, without some previous Concert in relation to the Northern Counties, which tho' not such a Concert, as to give him immediately Possession, Yet according to the Custom of these Days, might be a

(1) *Ibid.* Page 955.

sufficient Ground for doing of Homage. Thus we find *Alexander* the 2^d. of *Scotland* payed Homage to *Henry* the 3^d. of *England*, by an Agreement for some Lands in these Counties, of which he did not get Possession till some Years after the Agreement ¹.

BUT admitting, That this Homage was not for the Northern Counties, yet it might have been very well for *Huntington*, notwithstanding of the reason offer'd by Mr. *Tyrrel* in the contrair. For the understanding of which, It is to be considered, That tho' now with Us, Acknowledgments are only made to the Superior, upon the Death of the Vassal, Yet of Old they were also renew'd upon the Death of the Superior. Now by *Richard's* Charter, we find *William* did pay Homage to him for *Huntington*; So that the Right of *Huntington* was vested in his Person: Wherefore any Transmission or Conveyance of Right in Favours of his Brother *David*, was in Subjection and Vassalage to him, and not to the King of *England*: For, from that same Charter of *Richard's*,

(1) *Rymers Fadera Anglie* Pag.
376.

placed

placed in the Appendix ; We understand that Sub-fefs were then usual.

IT was an ancient Custom in Scotland, That all younger Brethren and Cadets, did hold their Patrimonial Lands of the Chief of the Family ; And there was more Reason, that the Brother of our King should hold, and be dependent upon him. So that David having *Huntington* under his Brother the King of Scotland, there was Homage due for it by our King, to the King of England.

OF this we have an Example and Parallel, in *Henry* the Father of King *William*, and the Son of King *David*, who had both the Title and Possession of the County of *Northumberland* ; Yet the *English* Historians tell us, that the Grant was made to King *David*, and that King *William* his Grand-child, demanded that County, not in the Right of his Father *Henry*, but of his Grand-father King *David*. The Right of *Huntington* did also continue in the two succeeding Kings of Scotland, *Alexander* the 2^d. and 3^d. For according to Mr. *Tyrrel*, *Alexander* the 2^d. did Homage for it to the King of En-

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gland 1. And *Mathew Paris* tells us, That *Alexander* the 3^d. had a Charter of it from *Henry* the Third². Of this we are further ascertain'd by *Mr. Tyrrel*, when he relates, That *Alexander* the 2^d. went to *London* upon sundry Affairs, whereof one was to appear and act as Earl of *Huntington* 3. All which concur to overturn the Suggestion of that Gentleman, and to acquit *Buchanan* of Error or Vanity in this Matter.

ABOUT nine years after the Interview of the two Kings at *Lincoln*, *Mathew Paris* recites a Quarrel between them, and how *John* came to *Norham*, with an Army, where a Peace was concluded; That Hostages were given for Observance of it, and Eleven thousand Merks payed to King *John* for Damages 4.

THAT any Sum was payed for Damages, is not probable; For, by a Deed published in *Mr. Rymer's* Collection of *Treaties* (which is so very useful for giving Light in many things not known, or disguised)

(1) *Hist. Vol. 2. Page 836.* (2) *Ad. Ann. 1259.* (3) *Hist. V. 2. P. 1000.* (4) *Ad. Ann. 1209.*

(191)
we find, that there was a Peace made,
and Hostages given; But that the
Sum to be payed was 15000 Merks,
not in consideration of Damages, but
of some Stipulations between the two
Kings : ; which it seems were not
perform'd on the part of the King of
England, As appears by a Complaint
made by our King to the Pope : ; As
also by a Passage in *Matthew Paris* 3,
and especially by the Agreement made
between *Alexander* the 2d, and *Henry*
the 3d 4.

THUS stood matters between the
two Kings when *William* of *Scotland*
Died, to whom Succeeded his Son
Alexander the Second.

IN a little time thereafter, a mis-
understanding arose between King
John and his Barons, who to pacifie
them, Granted the *Magna Charta* of
their Priviledges : But King *John*
having prevail'd with the Pope to
Annul and Void that Charter, The
Barons of *England* did Confederat to
maintain their Liberties. With them
Alexander King of *Scots* did chearfully

(1) *Fædera Angliæ* p. 155. (2) *Ibid.*
p. 235 (3) *Ad ann.* 1236. (4) *Rymers*
Fædera Angl. p. 375,

joyn in Defence of the Grand Charter against King *John*, who had made a base and voluntar Surrender of his Kingdoms of *England* and *Ireland*, To be Holden of the Pope: For which the Holy Father was so exasperat against Our King, That he caused Excommunicat him, and put his Kingdom under an Interdict.

AT this time, The Barons of *England* courted our Kings Friendship, and fully Recognized and Establish'd his Right of the Northern Counties, which was Confirm'd to him by Prince *Lewis* the Eldest Son of the King of *France*, whom the Barons called in to be their King, As is acknowledged by the *English* Historians, and may be known by the Titles of some Deeds placed in the Appendix 1.

THE Barons did solemnly Swear and Engage, That they should not conclude a Peace with King *John*, without the Consent of the King of *Scotland*; But to this Oath, saith Mr. *Tyrrel*, They were no Slaves 2.

The Confederacies between Our King and the Barons of *England*; and

(1) Numb. XXVI: (2) Hist. Vol. 2: pag. 801.

the Charters made by them and Prince *Lewis* to him, yea some Bulls which evinced, that our King suffer'd Excommunication for assisting the Barons of *England* ¹, were carried off, by *Edward* the First, to obliterate any Deeds which might raise a grateful Remembrance in his Subjects, of the kind Offices done by the King of *Scotland*, in support of their *Grand Charter* : For it's well known, that our King raised a powerful Army, which was the Sanctuary and Protection of the Barons of *York-Shire* and *Northumberland*, from the cruel and bloody Mercenary Troops of King *John*, who retired upon the approach of the King of *Scotland's* Army ²: And had he either assisted King *John*, or stood Neuter ; It is hard to know, what had been the Fate of the Barons and their Priviledges.

KING *John* as is said, having fail'd in performance of his part of the Agreement with King *William*, *Alexander* his Son complains to the Pope, and prays him either to Confirm or to

(1) *Append. Num. XXVI.* (2) *Tyrrel. Hist. Vol. 2. Pag. 789.*

joyn in Defence of the Grand Charter against King *John*, who had made a base and voluntar Surrender of his Kingdoms of *England* and *Ireland*, To be Holden of the Pope: For which the Holy Father was so exasperat against Our King, That he caused Excommunicat him, and put his Kingdom under an Interdict.

AT this time, The Barons of *England* courted our Kings Friendship, and fully Recognized and Establisht his Right of the Northern Counties, which was Confirm'd to him by Prince *Lewis* the Eldest Son of the King of *France*, whom the Barons called in to be their King, As is acknowledged by the *English* Historians, and may be known by the Titles of some Deeds placed in the Appendix 1.

THE Barons did solemnly Swear, and Engage, That they should not conclude a Peace with King *John*, without the Consent of the King of *Scotland*; But to this Oath, saith Mr. *Tyrrel*, They were no Slaves 2.

The Confederacies between Our King and the Barons of *England*; and

(1) Numb. XXVI. (2) Hist. Vol. 2. pag. 801.

the Charters made by them and Prince *Lewis* to him, yea some Bulls which evinced, that our King suffer'd Excommunication for assisting the Barons of *England* ¹, were carried off, by *Edward* the First, to obliterate any Deeds which might raise a grateful Remembrance in his Subjects, of the kind Offices done by the King of *Scotland*, in support of their *Grand Charter* : For it's well known, that our King raised a powerful Army, which was the Sanctuary and Protection of the Barons of *York-Shire* and *Northumberland*, from the cruel and bloody Mercenary Troops of King *John*, who retired upon the approach of the King of *Scotland's* Army ²: And had he either assisted King *John*, or stood Neuter ; It is hard to know, what had been the Fate of the Barons and their Priviledges.

KING *John* as is said, having fail'd in performance of his part of the Agreement with King *William, Alexander* his Son complains to the Pope, and prays him either to Confirm or to

(1) *Append. Num. XXVI.* (2) *Tyrrel. Hist. Vol. 2. Pag. 789.*

void it: Upon which in 1219, the Pope directs a Bull to *Pandulf* his Legat, empowering him to consider the Agreement, *And without Appellation to Confirm or Annul it.* In consequence of which Delegation, there was Compearance for both Kings before the Legat; Who waved the giving a Decision in Law for some time, that he might negotiat a Peace between them ¹.

IN the Year following, There was a Treaty of Marriage between our King, and the King of *England* for his Sister ², Which was afterwards solemnized, and a Dowry settled upon her ³.

FOR some Years thereafter, there appears to have been a good Understanding between the two Kings by the repeated Interviews, until, *The King of England approved of an Appeal, which the Arch-Bishop of York was to make for the Right of that King, as well as for his own, That the King of Scots cou'd not be Crown'd in prejudice of the Roy-*

(1) *Rymer's Fædera Angliæ.* pag. 235

(2) *Ibid.* Pag. 240. (3) *Ibid.* pag. 252.

*al Dignity of the King of England,
and of the Liberty of this Arch-Bishop
and his See* 1.

TO Colour this Appeal, There was a Representation made by *Henry the 3d King of England*, to *Pope Gregory*, Reciting the extorted Agreement of Subjection made by *King William* to *King Henry the 2d*; And disguising the Matter so far, as to pretend, That *King John* was joyn'd in that Agreement with his Father *Henry the 2d*: Yea falsely asserting, *That in pursuance of that Extorted Deed, King William paid Homage to King John, And that Alexander the 2d had done the like to that King, and to King Henry the Third.* Whereupon that Pope sent a Bull to the King of Scotland, Exhorting him for Peace's sake to the Observance of that Agreement. He also sent another Bull to the Bishops of *York* and *Carlile* to the same purpose 2. Which Bulls were used by *Edward the First* as evidences to enforce the Homage: And are Ingross'd in the Record kept in the Tower of *London*, Publish'd by *Pryn* 3.

(1) *Ibid.* Pag. 328. (2) *Ibid.*
Pag. 334. & 335. (3) *Hist. Edm. 1.*
Pag. 495. The

THE strain of these Bulls do fully discover that they were Impetrat from the Pope by Suggestions of the King of *England*. In them some things are disguised to the Pope, and other things asserted to him, which I presume, have no Foundation in Record or History : For in the extorted Deed of Homage by King *William* to *Henry* the 2^d, there neither is, nor properly could be any mention of *John*, who was at that time only *Henry's* second Son. Nor was it ever pretended, That there was any Agreement to that purpose between *William* and *John* ; For the Agreement between them, was in relation to other matters, and not in relation to any Homage for *Scotland*, else it's not presumable, That his Son *Alexander* King of *Scotland* would have so eagerly pursued the Performance, and made Complaint to the Pope for the Failure of the King of *England*.

WHEN Our King complain'd to the Pope of the King of *England*, for not Observing of an Agreement, He sent an attested Copy of it to the Pope ¹, To shew that the Complaint

was Just. But here the King of *England* did not send to the Pope a Copy of the Agreement, By which he claim'd the Homage; And the reason is obvious, Because he had not the Original to vouch a Copy, it being long before released and delivered up to Our King, yea any Copy wou'd have display'd the disguise, there being nothing in it concerning *John*. So that the Representation made in the Name of the King of *England* to the Pope, was only a vain and empty amusement; Nor had Our King any regard to the Bull, For it did rather sharpen than soften him in his Demands and Claims against the King of *England*; Since we find him in a little time after, boldly demanding from the King of *England*, *Northumberland*, as belonging to him by Charters, and the Testimony of many great Men, and expostulating with him in an Assembly of his Nobles at *York* for the Violation of Paction: But in the Year following, all Disputes between the two Kings were compos'd and settled before *Otto* the Pope's

(1) *Math. Paris ad Ann. 1236.*

E e

Legat

Legat by a solemn Covenant and Agreement in Writing.

THE King of *Scotland's* part of this Agreement was carried off from our Records by *Edmard* the First. But this Composition between the two Kings is lately Published by the Learn'd and Industrious Mr. *Rymer* from the *English* Records^r, By which we know the Matters that were then in dispute between the two Kings : As also we Understand, for what Lands our King payed Homage to the King of *England*.

BY this Agreement, We find the King of *Scotland* demanded from the King of *England* the Counties of *Northumberland*, *Cumberland* and *Westmorland*, as his Inheritance. He also Claimes Satisfaction for 15000 Merks payed by his Father King *William* to King *John*, in Consideration of some Conditions which were not performed by *John*. He likewise complains for the breach of some Agreements, by which the King of *England* and his Brother *Richard* were bound to Marry the Sisters of the King of *Scotland*. Of all

(1) *Fadera Anglia*, Pag. 374, 375, 376 & 377.

which,

which, and of all other Pleas and Demands, which the King of *Scotland* for himself and his Ancestors had against the King of *England*, He acquitts and releases Him and his Heirs.

FOR this Acquittance the King of *England* gave to the King of *Scotland*, and to his Heirs Kings thereof, *Two Hundred Pound Lands* * *within North-umberland and Cumberland, without centas Castles* ; And if any part was deficient, *Libratas* it was to be supplied in places adjacent to these Counties. *Terre.*

THESE Lands were to hold of the Kings of *England* by a yearly *Redden-do* of a Falcon at *Carlile*, with many ample Priviledges and Immunities to the King of *Scotland*. For these Lands the King of *Scotland* did Homage to the King of *England*, and swear Fealty to him.

TO the Observance of this Deed, both Kings made Oath, which is witnessed by many Noble Persons *Scots* and *English* ; But the King of *England* did not give Possession and Investiture to the King of *Scotland* of the Lands granted to him, till five Years thereafter, That he did Commissionat the Bishop of *Durham* to assign Lands

Lands conform to the Agreement ¹, and then he granted a Charter in which they are particularly enumerat ².

MATHEW PARIS, who was Historiographer of *England*, when this Agreement was made between the two Kings, has subjoyned to his Account of it, a Passage very remarkable, How the Legat, who was Mediator of this Peace and Agreement, signified his Inclinations to go to *Scotland*, to manage the Ecclesiastick Affairs there as he had done in *England*: Upon which the King of *Scotland* very briskly told the Legat, *That in his time there had been no Legat in his Kingdom, nor was there need of any, all things there being well: Nor yet had any Legat been admitted in the time of his Father, or of any of his Ancestors; And that so long as he had the Exercise of his Reason, he would not suffer any Legat to enter his Dominions.* He farther assur'd the Legat, *That if he shou'd adventure to enter Scotland, he was in great Danger from a fierce People, from whose Insults he was not able to protect him* ³. Upon this

(1) *Fed. Angl.* P. 400. (2) *Copiapenes Auth.* (3) *Math. Paris ad Ann.* 1237.

Passage the ingenious Mr. *Tyrrel*, makes a very agreeable Reflection of the different Tempers of the Kings of Scotland and England; That the one was doing all he cou'd to enslave his Kingdom to the Pope, and the other to keep it free. 1.

ABOUT seven years after the fore-said Agreement, a War broke out between the two Kingdoms, and each of them rais'd great Armies : But by the good Offices of the Nobles of both Kingdoms, a Peace was concluded at *Newcastle upon Tyne* : Upon which King *Alexander* gave to the King of England a Charter, wherein he calls him *His Leige Lord*, He also engages in a constant Bond of Friendship with him, and he and sundry of his Bishops and Nobles swear to observe it, which is to be seen at full length in *Mathew Paris* 2, *Mr. Rymer* 3, and our Author 4.

MR. *Atwood* imagining, That this Agreement and Charter were mighty proofs of the Homage, He gets upon his Tiptoes, and Charges Sir Thomas

(1) *Hist. Vol. 2. Pag. 898.* (2) *Ad Ann. 1244.* (3) *Fædera Angl. p. 428.*
(4) *Pag. 273.*

Craig with unfairness, and the Moderns with oversight, for not attending to demonstrative Evidences in Mathew Paris, with whom every body that pretends to know any thing of English History must needs be conversant ¹.

MATHEW PARIS having told, That in the Year before the Agreement, King Alexander claim'd Northumberland as given to him by King John when he married his Daughter: Our Author from thence pretends, That Northumberland *was not claim'd upon any ancients Title than the Gift of John* ². This shews his profound knowledge of Mathew Paris and other English Historians, who tell, That King David the Great-Grand-Father of this King Alexander had that County, and that William his Father demanded it frequently *as his Inheritance*; And by the foresaid Agreement, his Son Alexander also claim'd it *as his Inheritance*, which was nowise inconsistent with any Claim to this County by another Title; since a Person may have different Titles to the same Subject, and may use them joyntly orseparatly without derogating from any of them.

(1) P. 271. (2) 272.

AS to a Remark made by our Author upon the before-mentioned Agreement, *That the doing of Homage was without respect to any particular Lands held in England*: If Mr. Atwood had only lookt upou *Mathew Paris* who minces the matter, he might plead some Excuse for this Remark, But the Remark is very odd, when we find our Author in the second and third following Pages of his Book, giving the substance of that Agreement from the *Patent Rolls*, where it is ingross'd, and fromwhence Mr. Rymer has lately Published it; In the which Agreement, It is very plainly said, *That the King of Scotland did Homage to Henry King of England for the 200 Pound Lands granted to him by that Agreement* 1. Yea so little regard has our Author to Inconsistencies, and to contradict himself, That he afterwards owns, That the Homage by that Agreement was for these Lands, which he calls, *Ten Knights Fees* 2: But to soften the matter, he says, *That there was then only an Expectation, but no Investiture till afterwards*. This is a

(1) *Fæd. Angl. Pag. 376.* (2) *pag. 275.*

strange shift, to make the King of *England's* positive Grant for a valuable Consideration, to be only a matter of Expectation. It is true, The Investiture was put off for some Years by the King of *England*; But to bring this wrong as an Evidence or Insinuation of the Homage is a strange way of arguing.

THESE are slender escapes in Mr. *Atwood*, if compared with what follows. He says, That the foresaid Agreement between *Alexander* the Second King of *Scotland*, and *Henry* the Third of *England*, *was made in the 21 Year of the Reign of this Henry: That it was not Executed* (by which I suppose he means, That actual Possession of the things contained in it was not obtain'd) *till the 26 Year of that Kings Reign*, and yet he says, *That in the 24 Year of his Reign the King of Scots Executed the Charter before-mentioned* . In which He calls the King of *England*, His Liege Lord, Promises Fealty and Love to him, and never to enter into any League with his Enemies : Or to procure or make War to the prejudice of him, Or

of his Kingdoms of England and Ireland: Unless the King of England oppress'd him. And our Author, when he gives a Copy of this Charter, places in the Margin of his Book ¹, Ann. 1240. 24. Hen. 3.

FROM this Charter, He subsumes, *That the King of Scotland, and his Nobles recognized Liege Homage and Fealty, (which he erroneously calls Allegiance) to be due to the King of England, That the Liege-man should not joyn with his Prince's Enemies. And all this being without regard to any Lands Holden in England makes it evident, that was Liege Homage for the Kingdom of Scotland ². Thus far Mr. Atwood.*

IT is astonishing to see so open and so avow'd a belying of the Records and History of *England*, when it is evident the contrary of what Mr. Atwood saith is Truth; For he says, The Charter was granted two Years *before* the Agreement was executed ³, whereas the Charter was granted two Years *after* the Agreement was executed.

(1) Pag. 273 (2) Pag. 274. (3) Pag. 272.

This is manifest by his own Voucher *Mathew Paris*, and by Deeds taken from the *English Records* by Mr. Rymer Historiographer of *England*, to be found in the before-mentioned excellent Collection, Intituled, *Fadera &c. Anglia*, Published at the Command, and upon the Expenses of Her Majesty.

BY them it is very plain, That the Agreement, that was between the two Kings, was in the 21 of *Henry the 3d.* which was in the Year 1237 ¹. That this Agreement was Execute, and Investiture given in the 26 of his Reign, being in the Year 1242 ², which is own'd by Mr. *Atwood* ³: And that the Charter granted by the King of *Scotland* to *Henry the Third*, calling him *Liege Lord*, (which Mr. *Atwood* says was in the 24th of his Reign, and in the Year 1240) was in the 28th of his Reign, and in the Year 1244: ⁴. This seems to be an affronted boldness,

(1) *Math. Paris ad Ann. 1237, & Fæd. Angl. Pag. 374.* (2) *Ibid. pag. 400.* (3) *Pag. 272.* (4) *Math. Paris, ad Ann. 1244. & Fæd. Anglia. pag. 428.*

To arraign Her Majesties Sovereignty as *QUEEN of Scotland*; And at the same time, so grossly to belye the Records of Her Kingdom of *England*.

NONE can be amus'd with the King of *Scotland's* owning the King of *England* as *Liege Lord*, when it is considered, That he had then both the Right and Possession of Lands in *England*, Holden of that King.

NOR was his Engaging, That he shou'd not make War upon the King of *England*, nor joyn with his Enemies, Any Evidence of Homage for *Scotland*, if we consider the History of that Affair. By the account of it, as given us by *Mathew Paris*, (who has minced it as well as the History of the former Agreement) we understand, That the King of *Scotland* was about to Confederat with *France*, being then Married to a Lady of that Kingdom, And that he had Countenanced and Protected some of the King of *England's* Enemies; Yea Mr. *Tyrrel* says, That our King publicly declared, That he wou'd not Hold the least piece of Earth of the King

of England 1. So high rose the Quarrel between these two Princes, That Ours wou'd not so much as acknowledg the King of *England* for the Lands he had in that Kingdom: For the two Kings were so enraged against one another, That they brought all their Vassals and Followers to the Field, to decide the Quarrel by the Sword; But by the Mediation of Earl *Richard*, Brother of the King of *England*, and of other great Men of both Kingdoms, as is said, a Peace was made between the two Kings 2.

BESIDES, any such Engagement was very Reasonable, since at the same time, The King of *England* made the like Engagement to the King of *Scotland*, That he shou'd neither War upon him, nor Confederat with his Enemies, As appears by the Title of a Deed carried off by *Edward* the First, mentioned in the Appendix 3, which *Mathew Paris* is not so Just as to notice, when he recites the Charter containing Engagements by our King. And we are ascertain'd by a Deed published by Mr. *Rymer*, subjoyn'd to the fore-

(1) *Hist. Vol. 2. Pag. 929.* (2) *Ibid. pag. 930.* (3) *Numb. XXVI.*

said Charter, That at the time when it was granted, There was also a Paction and Engagements upon the part of the King of *England*: For Observation of which, Earl *Richard* had given his Oath ¹. So the Stipulation in this Point being mutual, there can be no Argument for the Homage drawn from it.

NOR can any Insinuation of Homage be inferr'd from the King of *Scotland's* calling the King of *England*, *Leige Lord*, without the Enumeration of particular Lands for which Homage was due; For Reason would say, That if Homage had been due, or acknowledged for the Kingdom of *Scotland*, it wou'd have been exprest: And that the King of *England* wou'd not have left it open to a Cavil. Nay, *Mathew Paris* and *Westminster* ², and other *English* Historians, tell us That our King had a very numerous and strong Army, viz. a thousand Horsemen in Armour, and about an hundred thousand Foot, who had all confess'd themselves, and were willing to die in Defence of their Liberties. Now it's against

(1) *Fad. Angl.* P. 429. (2) *ad Ann.*

Sense to think, That so many brave and resolute Men wou'd have subjected themselves peaceably without a Battle. And tho' *Mathew Paris* has suppress'd some matters of Fact in this Affair, yet he gives our King *Alexander the Second* a large Character ; That *he was a Good, Just, Pious and Bountiful Prince, deservedly beloved by the English, as by his own People.* Besides, in all the forged and extorted Deeds, the Homage and Subjection for *Scotland* is plainly and distinctly expressed.

FROM the Year 1244, wherein this Peace was made, to the Year 1249, when *Alexander the Second* died, we find nothing but Peace and Concord between the two Kings ; But he leaving his only Son *Alexander the Third*, a young Boy, Tho' the King of *England* was in a League of Friendship with him, and that this young Prince was contracted in Marriage with that Kings Daughter, yet, He supplicated the Pope, to prohibite the Anointing and Crowning the King of *Scotland* without his Consent, because he was his Leigeman : which the Pope refused, as being a thing derogatory to Royal Dignity. At the same time, the King of *England* petition'd the Pope for a Grant

Grant of the *Decima*, or Tenth of the Church Revenues in Scotland, which he also refused, as being a Singularity to Grant that to any King in the Kingdom of another. These things are manifest by the Popes Bull in the Year 1251, yet extant in the Archives of England, and Published by Mr. Rymer 1 : Which clearly evinces, That the Crown and Kingdom of Scotland was Sovereign and Independent according to the Judgment of the Court of Rome.

IN the Year following, when Alexander the 3d. came to York, to Marry the King of England's Daughter, That King design'd some Advantage of a young Prince and Bridegroom, As appears by a Passage related by Mathew Paris to this purpose 2. "The King of Scots at his Marriage did Homage to the King of England, upon the account of the Tenement which he held of his Lord the King of England, That is to say, in the Kingdom

(1) *Fad. Angl. Pag. 463.* (2) *Ad Ann. 1252.*
Fecit igitur Rex Scotia Regi Anglorum Homagium ratione Tenementi, quod tenet de Domino Rege Anglorum de Regno scilicet Anglia, Loudiana, Widelisa & terris alijs, &c.

‘ of England, to wit, *Laudiana* and
 ‘ other Lands. And when, beside this,
 It was desired of the King of Scotland,
 That he shou’d pay Homage to the
 King of England for the Kingdom of
 Scotland, He refused to comply, and
 gave a sweet and pithy Answer.

THE Learn’d Sir *Thomas Craig* ha-
 ving adduced this Passage as an evi-
 dence of Our Independency, Mr.
Atwood accuses him, Of a Habit of
Triumphing with Authorities point
 blank against him ; And amongst
 such, he reckons this passage in *Mathew*
Paris : Because, as he thinks, It
 demonstrates, That the King of Scot-
 land did Homage to the King of En-
 gland for *Lodoney* or *Lothian*, which
 is a considerable part of Scotland. He
 also Charges Sir *Thomas* with adding
 to the Text of *Paris*, when he makes
 it to run, That the Homage was paid
 for *Laudon* or *Lenden*, which is a
Tenement of Northumberland ; This
 last Sentence not being in *Paris* :
 And our Author attacks his Candor for
 giving such cramp Names as *Laudon* or
Leuden, to that which is truly *Lo-*

(1) Pag. 275. (2) pag. 278.

doney

doney or *Lothian* ; That he might shun so plain an Argument for the Homage .

THERE is indeed here an Error in the Learn'd Treatise, of Sir *Thomas Craig* concerning the Homage , which is not to be ascribed to the ingenious Translator, since he has followed the Latin Original, and even there the Mistake is excusable, being probably only in Pointing: For placing the Sentence that is quarrel'd in *Parenthesis*, which by the reading, it appears should be, all Mr. *Atwood's* Charge evanishes. In a far greater Mistake falls he himself in the first Approaches of this Attack upon our Learn'd *Craig*; when he says, *That the Marriage of the King of Scot's Son, to Henry the Third's Daughter, was part of the Agreement at York in the 21st of Henry the Third* . Which was in the year 1237: Whereas the Convention about that Marriage was in the year 1242⁴ : Nor could it be in 1237, as Mr. *Atwood* fancies; For the Son, for whom our King contracted Marriage, was not

(1) *Ibid.* (2) *Pag.* 344. (3) *pag.* 275. (4) *Math. Paris ad Ann.* 1242.

Born; nor was his Father then Married to the *French* Lady, who was afterwards his Mother: Yea, it's well known he was married at that time to the King of *England's* Sister, who died shortly after without Issue.

BUT to return. The foresaid Passage in *Mathew Paris* may at first view prove stumbling, and occasion a Thought, That the *Laudiana* or *Laudianum* mentioned by him, is *Lodeney* or *Lothian*, being generally so render'd; And in that Sense, this Passage is the most powerful Historical Evidence, That Homage was voluntarily paid for any Lands upon this side of *Tweed*: wherefore I shall take the more Notice of that Passage, and endeavour to clear it.

IN the first place, It might be contended, That no Evidence from *English* Historians shou'd be received for *England* against *Scotland*, They being domestick Testimonies, under the suspicion of Partiality: And it were easy to make appear, That this Author doth not plainly and fully rehearse some Passages concerning the Homage, and other Transactions between these two Kingdoms. For Instance, besides what I have already hinted,

hinted ; He says, That when King *William* was taken Prisoner by the *English* near to *Amwick* in *Northumberland*, There was such a Slaughter of *Scots*, whom in contempt he calls *Formice*, as was never known : Whereas some who are more Ingenuous in the account of that Rencontre, tell, That our King was taken in Surprise, when there was only about sixty Horse with him ; That he behaved Gallantly and resisted until his Horse was killed under him, and that upon the News of his being Prisoner, the rest of his Army retired. By this we may plainly see *Mathew Paris's* partiality in his Accounts of what concern'd the Affairs of *Scotland* with relation to *England*.

OF the same Temper are most of the Ancient *English* Historians, in expressing bitter Invectives against us ; Which makes any Passages in them favouring the Homage the less to be credited, and makes any Evidences brought from them for our Independency the more strong and convincing ; Since they are not to be suspected of Truth, in what they say to the advan-

tage of them, who commonly were the Subject of their reproachful Expressions.

IN the next place, It might be pretended, That it was customary in these Days to disguise the Homage made by our Kings ; For *Edward the First* was about Thirteen Years of Age, when this Homage was done to his Father *Henry the 3d*, and probably was present at the Ceremony, being perform'd at his Sister's Wedding ; Yet in his Letter to the Pope, he says, *That this Alexander the 3d paid Homage to his Father for Scotland* : Whereas this Historian tells, That there was no Homage paid for it. If then a King cou'd so invert the Homage, as when it was only made for some particular Lands, to tack a Kingdom to it, The Historian may pass for modest, if he only tackt *Lothian* to it.

BUT Admitting this Historian to relate true matter of Fact, nevertheless *Lodoney* or *Lothian* will not be found to be amongst the Lands for which this Homage was paid : For Mr. *Atwood* who Challenges others for abusing *Mathew Paris's* Text, wou'd himself confound it by a pretence, That
the

the Words, *Fecit Rex Scotiae Regi Anglorum Homagium Ratione Tenementi quod tenet de Domino Rege Anglorum, de regno scilicet Angliae Laudiano videlicet & reliquis terris*, are not aright Translated ; The King of Scotland did Homage to the King of England for the Tenement which he held of his Lord the King of England, That is to say, In the Kingdom of England, viz. Laudiana and other Lands ; But that they shoud be Translated to this purpose, That he did Homage for the Tenement, which he held of the King of England, that is to say, Of the Kingdom of England, &c. 1.

IT may be thought, That all who understand any thing of *Latin*, or who notice the turn of this Sentence, will agree, That by the Words, *De Regno Angliae*, is here plainly meant, *In the Kingdom of England* ; The Preposition *De* being frequently Synonymous with the Preposition *In* : Nor can *De* be otherways Translated in this place, without a manifest Tautology.

TO Remove any thing that may be amusing in this Passage, It may be considered, That at the time when

this Homage was paid, The River of *Tweed* was the Boundiary of the Two Kingdoms, as may be gathered from Deeds under the Seals of the Two Kings, *Alexander* the 3^d. and *Henry* the 3^d. 1.

BESIDES, Long before that time, *Tweed* was reckon'd the Boundiary. *William* of *Newbriggs* is very plain in it 2: And other *English* Historians 3 say; That when the *English* pass'd *Tweed*, they came into *Scotland*.

LEST any incline to think, That *Lodoney* or *Lothian* was of old reckon'd to be in *England*, Because in a Passage of the *Saxon Chronicle* 4, It is said, That *Malcolm Canmoir* with his Army met King *William Rufus* in *Lodene* in *England*; Which by the Learn'd Editor is explain'd in the Margin by *Provincia Loidis* from *Florence* of *Worcester*, and *Simeon* of *Durham*: And by *Provincia Loudicensis*, from *Bromton*; And in the Exposition of names of Places subjoyn'd to that *Chronicle*, These words are Exponed, *Louthane* a Province of *Scotland* 5: I shall endeavour to make it appear,

(1) *Fæd. Angl.* p. 565. (2) *Lib.* 2. cap. 30.
(3) *Ad ann.* 1173. (4) *P.* 127. (5) *P.* 36.
That

That neither the *Laudanium* mention'd by *Paris* ; Nor yet this *Lodene*, *Provincia Loidis*, or *Loudicensis*, are the *Lothian* in *Scotland*, but places in *England*.

TO clear this matter ; Let it be considered, That the Northern Counties of *England*, to wit, *Northumberland*, *Cumberland*, and *Westmorland* were call'd, and did pass under the Name of *Comitatus Laudonensis*, or *Lodonen-sis* ; For when *Newbriggs* ¹. *Wicks* ², and *Hemmingford* ³, of the more ancient Historians, and Mr. *Tyrrel* ⁴, and other Moderns, relate the Story of *Henry the Second's* taking the Northern Counties from *Malcolm the Fourth*, They call them *Northumberland*, *Cumberland*, and *Westmorland* ; But when *Mathew Paris* ⁵, the User of the Word *Laudanium*, *Ralf de diceto* ⁶, The *Annals of Weverley* ⁷, and *Mathew of Westminster* ⁸, relate the same Story, They express these Counties by the Name of *Comitatus Laudonensis*, or *Lo-*

(1) *Lib. 2. Cap. 4.* (2) *Hist. Angl. Scriptores, Vol. 2. p. 30.* (3) *Ibid. pag. 492.* (4) *Hist. V. 2. p. 303.* (5) *ad Ann. 1157.* (6) *Inter X. script. p. 531.* (7) *Hist. Angl. Script. V. 2. p. 159.* (8) *Ad ann. 1157.* *donensis:*

donensis: So that probably *Laudanium* was some place in these Counties, or was the common Name of our Kings Possessions in them.

NOR was *Lothian* in Scotland, a part of that *Comitatus Laudonensis*, since it was not claim'd by *Henry the Second*; And further by the same Authors, we find, That when King *William* who succeeded *Malcolm*, did demand back these Northern Counties, and enter'd them with an Army, *Lothian* was reckon'd in Scotland, as distinct from these Counties: And *Mathew Paris* gives it another Name than *Laudiana*, viz. *Laudonesium*. The like may be said of the *Provincia Loidis*, for *Simeon of Durham*, when it's clear he means *Lothian*; As when he tells, That *Malcolm Canmoir* gave to Earl *Gospatrick*, *Dumbar* in *Lothian*, He expresses it by *Ladoneium* 2. Nor will it be found, That *Lothian* was design'd by *Provincia*; There's indeed frequently mention'd in the ancient Historians, *provincia Northanhimbrorum*, which with all Submission, I conceive to be the same with the *Provincia Loidis*,

(1) *Ad Ann. 1173.* (2) *Inter X. Script. pag. 205.*

and the *Comitatus Laudonensis*, or *Lodonensis*, because it included *Carlile* ¹. This is also clear by comparing two Passages in *Ralf de Diceto* ², where the same Lands, which in the one, he calls *Comitatus Lodonensis*, are in the other, said to be in *Provincia Northanimbro- rum* ; And with the same Breath, he mentions *Lothian* as being in *Scotland*, and distinct from that Province or County, and expresses it by a word different from either of them; As also different from the *Provincia Loidis*, which he makes the place of the Rencontre of the two Kings, *Malcolm Canmoir* and *William Rufus*. ³ . Beside, the *English* Historians make the *Provincia Loidis* to be without *Scotland* ⁴, and *Lothian* to be in it ⁵, which demonstrates them to be distinct.

THEY who are versed in the anti-ent Topography of *England* may give more Light in this Matter ; since perhaps the Affinity of some Names of Places might occasion Mistakes : But

(1) *Hist. prioris Hagustald. inter X. script.*, p. 312. (2) *Ibid.* p. 531 and 573. (3) *Ibid.* p. 490. (4) *ad Ann.* 1091. (5) *Ad Ann.* 1173.

I hope by these hints it's very presumable, That *Landianum* and *Provincia Loidis* are in *England*; At least some Names of Places are so confounded by the *English* Historians, that no Inference can be drawn from them in favours of the Homage, or for comprehending *Lothian* under *England*.

AFTER the Marriage of *Alexander* the 3d. to the King of *England*'s Daughter, we find much Peace and Friendship between the two Kings. The King of *England* upon many occasions, gave evident Testimonies, That he wou'd not encroach upon the Liberties of *Scotland*; And we find our King had a watchful Eye upon him, and a concern for our Liberties: As may be seen by some Deeds placed in the Appendix.

WHEN *Henry* the 3d. of *England* went to *France*; such was his Confidence in our brave King *Alexander* the 2d. That he committed to his Care, the Northern part of his Dominions: And our King, to shew the like Confidence in that King, recommended the Care of his young and only Son to him, as an Allie, Neighbour,

(1) *Math. Paris, ad Ann. 1242.*

& design'd Father in Law; And after the Marriage we find him frequently discharging the Office of a true Friend and Allie.

SOME of the Ministers of *Alexander* the 3^d. being uneasy to him and his Queen; The King of *England* and his Queen came to the Castle of *Werk* upon the Borders, to Visit them; and he required all his Vassals in *England* and their followers to attend him; But lest this shou'd have given any Umbrage to the Scots, He publishes a Declaration, In which he testifies That, *He had no design to prejudice or infringe the Liberties of Scotland; But to his Power to preserve them according to several Leagues.* And because that when Our King was Married to his Daughter at *York*, He had recommended some Counsellors and Judges to the young King, He declared, *That what was then done, shou'd be nowise prejudicial to the Liberties of Scotland.*

AT the same time the King of *England*, as also two of his Brethren, and several of his Nobles engaged, That the King and Queen of *Scotland* shou'd

come and go, to and from the King of *England*, at their pleasure : And, *That he wou'd not do, nor suffer any thing to be done, in prejudice of the Liberties of Scotland* : As appears by two Deeds Published by Mr. *Rymer* from the *English* Records ¹, and to be found in the Appendix ².

THE Uneasy Ministers in *Scotland* were at the Instances of the King of *England* removed, and others appointed in their place; But the Deed of our King in this point is very Cautious ; Yea so Circumspect were Our brave Ancestors in what concern'd their Liberties, That they got from the King of *England* a solemn Deed, under his Seal, granted by Advice of his Nobles and Counsellors, Declaring, That what was done in displacing of some Counsellors, and appointing others by his Mediation, shou'd not be prejudicial to the King of *Scotland* and his Heirs, or to the Liberties of that Kingdom. All which is evident from a Copy of this Deed Published by Mr. *Rymer*, and in which the

(1) *Ibid.* 561, & 562. (2) *Numb.* XVI, & XVII.

foreſaid Deed of Our King is ingroſſed 1.

THE King of *England* having undertaken the Cruſade, The Pope for his Encouragement gave him the *Viceſima* or twentieth Penny of the Church Benefices of *Scotland*, and appoints *John Frusiſon* his Chaplain in *Scotland* to uplift it, but with this Caution, That it ſhould be depoſitat in ſome ſecure place, ſo that the Pope might order the expending of it, towards the Defence of the Holy Land. 2.

NOTWITHSTANDING of this Caution, Left the King of *England* might have improved this Grant to the prejudice of *Scotland*, Our King would give no Obedience to the Popes Bull, until the King of *England* by a Deed, Declared, That it ſhould be of no prejudice thereafter to the King of *Scotland* and his Heirs: Which is Published by Mr. *Rymer* 3, and to be ſeen in the Appendix 4.

IN the Year 1260 The King of *England* invited the King of *Scotland*

(1) *Federa Angliae*. p. 565, 566, & 567. (2) *Ibid.* p. 517. (3) *Ibid.* p. 582. (4) *Numb.* XVIII.

and his Daughter the Queen to his Court, and gave them and their Retinue safe Conduct, with assurance, *That they shou'd not in any wise be desired to Treat of any Scots matters concerning themselves, their Kingdom, or Counsellors* 1: Likewise the King of England issued forth Mandats to the Sheriffs of the Counties, through which they were to pass, *To attend them, and to give them the Use of the Kings Houses, Forrests, and Warranries; As also to see that all Honours and Courtesies were done to them* 2.

OUR Cautious Ancestors were so very regardful of their Liberties, That they prudently provided against any thing that might entangle them; Wherefore at this time, it being suspected, That the Queen of Scotland was with Child, and they not knowing what might fall out, while the King and she were in *England*; Therefore, before they went thither, The King of *England* Grants and Swearsto a Deed, Published by Mr. Rymer 3, and Transcribed in the Appendix 4:

(1) *Fed. Angl. Pag. 713.* (2) *Ibid. pag. 714.* (3) *Ibid. pag. 714.*
(4) *Numb. XIX.*

By which the King of *Scotland* was to have full Liberty to carry back his Queen when he pleased, and if she stay'd till her Delivery, He was to dispose of her and the Child as he Will'd; And if he died, The Child was to be at the disposal of the Nobles of *Scotland*.

THE Queen of *Scotland* proving to be with Child; The King, Queen, and Nobles of *England*, dealt with our King to let her stay in *England* till her Delivery; Which being granted, There was a new Deed made more ample than the former, with this special Caution, *That if our King died, The Child was to be delivered without any Dispute or Cavil, to certain Noblemen therein Named, or any three of them having that Deed*: Which is Published by Mr. Rymer ¹, and placed in the Appendix ².

THIS Deed was very solemn, For it was not only Sworn by the King of *England*, but also by his Brother the King of the *Romans* as Guarrantee; As likewise by several Nobles of *England*: And the King engaged to

(1) *Fed. Angl.* pag. 715. (2) *Numb.*
XX.

cause his eldest Son Prince *Edward*, and the two Arch-Bishops, and some of his principal Nobles and Ministers who were absent, also to Swear the Observance of it.

BY these Deeds, It's manifest, That the Kings of *England* had no Claim of Superiority, nor of any Guardianship or Wardship of our Kings.

AFTER this we find little past between two Kings, *Alexander* the 3d, and *Henry* the 3d; Save that *Henry* did mediat a Peace between our King, and the King of *Norway*.

KING *Henry* died, when his Son and Successor *Edward* the First was Abroad in the Holy Land; Who as is said, was the Champion of the Claim of Homage; And of all the Kings of *England* most boldly and plainly asserted it, as due by Right, and pursued that Claim by a long and Bloody War: But with how much Justice, will appear by what follows.

WHEN *Edward* the First return'd to *England*, Our King, who was his Brother in Law, went to *England* to visit him, and was present at his Coronation; But that no Advantage might be taken of his Civility, He had from the King of *England*, a Deed, bearing,
That

That his presence at that Solemnity shou'd be nowise prejudicial to him and his Kingdom ¹.

AT this time he did Homage to *Edward* ; But this Homage was only for the Lands our King had in *England*, As appears by the account of it, placed in an Ancient Cartuary of the Monastery of *Dunfermline*, in the Library of the honourable Faculty of Advocats, and from thence Published by the Learn'd Sir *Robert Sibbald* ² ; And the like Account I have seen in other Ancient *Scots* Manuscripts. It is also touched by *Mathew Westminster*, and *Thomas Walsingham* ³, the *English* Historians of these Times : Yea by the *Memorandum* communicated by the Learn'd Mr. *Petyt* to Mr. *Atwood*, and Published by him ⁴ ; It is evident, That *Alexander the Third* did not Homage to *Edward* for *Scotland* ; Yet that King in his Letter to the Pope takes the Freedom to assert, That this King *Alexander* did Homage to him for the Kingdom of *Scotland*.

(1) *Append. Numb. XXVI. Walsingham inter script. Angl. Hiber. Norm, &c. pag. 80. & Westminster edit. francf. 601. pag. 436.* (2) *Independency of Scotl. pag. 5.* (3) *Locis citat.* (4) *pag. 80.*

A LITTLE after King *Edward* arrived in *England*, He was ingaged in a War against the Prince of *Wales*; In this War, Our King assisted his Brother in Law the King of *England*; But was so Cautious to obtain a Deed from him, Testifying, That the assistance given by him in the *Welsch* War, was not by way of Duty or Service ¹, but as a special Favour ². All which concur to Evince, That our King was Independent of the King of *England*.

THE unlucky and fatal Death of *Alexander the Third*, King of *Scotland*, by a fall from his Horse, put the Kingdom in great disorder, until the Community appointed Governours, who had the Management of Affairs for six Years of an Inter-reign.

THIS King left no Descendants of his Body, save *Margaret*, commonly called the Maid of *Norway*, His Grand-Child by a Daughter, who was Married to the King of *Norway*.

IF *Scotland* had been Dependent upon *England*, Then the Custody and Wardship of that young Lady, had

(1) *Walsingham*, pag. 48. (2) *Westminster*, pag. 436.

belonged

belonged to *Edward* by Right of *Seigniorie* ; But he never demanded any such thing : Yea so far was he from claiming the disposal of this Princess, That he address'd the Governours, and Treated with them, for having her in Marriage to Prince *Edward* his eldest Son. So that Mr. *Atwood* shou'd been asham'd to palliat *Edward's* not claiming the Guardianship of that Lady, with an empty Notion ; That it argued no more, Than a Tenderness, and Compliment to the fair Sex, in not obliging her to Travel to the English Court 1.

DURING the Inter-Reign, The Governours kept a good Correspondence with *Edward* of *England* ; But still with great Circumspection in what might tend to the least Diminution or Incroachment upon the Liberties of the Kingdom : As appears by a Letter from them to that King, ingross in the *English* Records 2, whereby they Impower Commissioners sent by them, to Treat some matters with the Ambassadors of *Norway* before the King of *England* : But with this express Caution ;

(1) Pag. 97. (2) Pryn's *Edw.* 1. pag. 392.

Saving alwise in and by all things, The Liberty and Honour of the Kingdom of Scotland: Which is to be seen at full length in the Appendix 1.

TO perpetuat the Friendship of the two Nations, There was a Marriage concluded between *Edward* the eldest Son of the King of *England*, and *Margaret* the Maid of *Norway*, Queen of *Scotland*: And Articles of Marriage concerted by the Governours of *Scotland*, and the Commissioners of the King of *England*, which were afterwards ratified by him.

BY these Articles, It was agreed, *That if Edward and Margaret shou'd die without Issue, The Crown of Scotland shou'd return free without any Subjection to the next Heir of the Kingdom: It was also stipulated, That the Kingdom shou'd remain separated, divided and free in it self from the Kingdom of England, without any Subjection by its Bounds and Limits, as it had been in times before.*

TO this last mentioned Article was added a *Salvo*, which is exprest in too general Terms by Mr. *Tyrrel*, viz. *Saving the King of England's Right*

which he had before this ¹. For according to the Transcript of these Articles Published from the *English* Records by Mr. Pryn ², The *Salvo* runs thus, *Saving the Right of the King of England, and of any other Person, which before these Articles was competent, or at any time thereafter might in Justice be competent to him or them ; Of any Lands upon the Borders or elsewhere.*

IT'S known, That *Edward* the First was very dexterous in making of *Salvo's*; For when he confirmed the *Magna Charta* of *England*, He did it with a *Saving of the Right of his Crown* ³: Nevertheless, I presume, None will from thence contend, That thereby the *Grand Charter* was any-wise lessen'd: So neither by any such *Salvo* cou'd our Independency be infringed, unless *Edward* had instructed some prior Right; For tho' by a *Salvo*, Liberties may be preserved, yet no Right of Superiority can be constitute by any such *Salvo*.

BUT the *Salvo* adjected to the fore-said Article, was not in relation to the

(1) *Hist. Vol. 3. p. 60.* (2) *Edm. 1. pag. 366.* (3) *Walsingham pag. 76.*
 & *Tyrrel's Hist. Vol. 3. p. 133.* Kingdom

Kingdom of *Scotland* ; So cou'd be of no Advantage to the King of *England*, or any wise prejudicial to the Liberties of *Scotland* ; For by the *Salvo* it self, it is manifest, That it was in relation to the Lands, which our King had in *England*, For *Alexander* the 3^d dyed Vested and Seised, not only in the Lands of *Penreth* and others in *Cumberland*, amounting to the 200 Pound Land granted to his Father by *Henry* the 3^d, which were upon the *Borders* ; But also in Lands elsewhere in *England* ; To wit, In the Honour of *Huntington* and Lands of *Tyndale* : And *Baliol* after he had basely subjected *Scotland* to the King of *England*, was Cognosced Heir to *Alexander* the 3^d. in these Lands, by an Inquisition made before Sir *Thomas Normanvil* Escheator beyond *Trent*.

THIS is evident by an *Inspeximus* or Transcript by King *James* the Sixth of *Scotland*, and First of *England*, under the Great Seal of *England* ; Of this Inquisition and of sundry other Deeds in time of *Edward* the First, concerning the Scots King's Right to *Penreth*, *Tyndale*, and *Huntington*. In these Deeds is also to be found *Salvo's* by that King of his own Right, or of the

the Right of any other Person, in these Lands.

A Copy of this *Inspeximus*, from the Original, was transmitted by the right Reverend and Learn'd Bishop of *Carlile*, a sincere Lover of Truth and Justice, to the Honourable Sir *James Dalrymple*, and was communicated by that worthy Gentleman to me. By the bye that *Inspeximus*, as also a Deed Publish'd by Mr. *Rymer*, convicts Mr. *Atwood* of an Error, in asserting, That the King of *Scot's* paying Homage to the King of *England* for *Tyndale* and *Penreth*, was perfectly a new Invention.

BUT to return. The blooming Hopes of a perpetual Cement of the two Nations, were soon defeat by the untimely Death of *Margaret* the Maid of *Norway*, after she was Contracted in Marriage with Prince *Edward*.

UPON her decease, the Kingdom fell into great Convulsions, and Factions by the several Competitors to the Crown. The remote Relation of these pretenders to the Royal Stock, did much contribute to enflame the Divisions; Since none of them had a

(1) *Fed. Angl.* p. 668.

Title, which was not the subject of Dispute.

IT will not suit with the brevity I propose to descend into an Enumeration of the Competitors Names, who were not a few ; Nor of their respective Claims and Pretensions, which may be seen in Mr. *Pryn's* Collections, Published from the Records of *England* 1. It may suffice to notice, That the two best founded Competitors were *Bruce* and *Baliol* ; Men of great Families, Estates and Followings, both in *Scotland* and *England*. So that the Community of *Scotland* being divided by the Interests of so many, and some of them very Powerful Rivals ; It was difficult for them to determine the Right of Preference without imminent hazard of a Civil War.

WHILE the Kingdom of *Scotland* was thus distracted, *Edward* the First of *England*, commonly called *Lange-shanks*, as a Neighbour and Allie, say some, offer'd his Good Offices for a Just and peaceable Settlement of our Crown ; Or, as others say, was by the Bishop of *St. Andrews*, and others

(1) *Edm. i. p. 513.*

delegat from the Community, desired to be Arbitrator in that weighty matter.

BUT whatsoever was the Motive, To the Borders he goes, well appointed and attended by many of his Nobles and Bishops, and also by the *Militia of England*, under colour and pretence, That he might the better support the Title of the righteous Heir, and suppress any disorders from disappointed Competitors.

THIS seasonable piece of Friendship was kindly taken by the *Scots*, who did Commissionat some of their Nobles and Wise Men, to Meet and Confer with him: But these Commissioners were much surprized when the King of *England* demanded as a preliminary, *That they should testifie their assent, of his being Umpire among the Competitors, as Superior Lord of Scotland.* This demand cou'd not but be very terrible to the *Scots*, in the dismal Circumstances they were then in, to find a Powerful Prince, who pretended to be a Friendly Mediator and Arbiter, trumping up an unjust Claim of Superiority over them.

NEVERTHELESS, they were very Nice and Bold in what concerned

O o

their

their Independency ; For *Walsingham* tells us , The *Scots* answered, “ That they knew nothing of any such ‘ Superiority belonging to the King of ‘ *England* ; Neither cou’d they answer such things without a Head and ‘ King, upon whom it was incumbent ‘ to understand such a demand ; nor ‘ did they think, That they were ‘ bound at present to give any other ‘ answer, by reason of an Oath that ‘ they made one to another after the ‘ Death of King *Alexander* : Which ‘ Oath they were to observe under the ‘ pain of Excommunication. The ‘ King of *England* having taken this ‘ Answer into Consideration, He gave ‘ to the *Scots* a Charter, By which he ‘ declared, That the coming of the ‘ *Scots* over *Tweed* into *England* shou’d ‘ not at another time be prejudicial ‘ to their coming again into *England* : Which was to smoothe the demand he had made, that so highly offended them, and to entangle them in a second Conference, by bringing them again into *England*.

MR. *Atwood* is agreeable to himself when he pretends, That there was

never any such Deed ¹; But *Walsingham*, as is said, positively asserts it, and *Westminster* also mentions it ². Our Author might have remember'd, That in the same Chapter of his Book, wherein he Questions that ever there was such a Deed, He calls *Walsingham*, a most faithful Historian ³.

BY that Deed *Edward* designed to elude the *Scots*, and render them secure, till he try'd what he could do by Address, to gain his end, before he used open Force: And to keep a seeming good Correspondence with them, till his projects were ripe for Execution.

THIS Matter is related more favourably in the Instrument in the Tower of *London*, which says, That when *Edward* demanded the Nobles of *Scotland* to Recognize his Superiority, They desir'd time to Advise with those who were absent, and that as a Favour he allow'd them the next Day, but after prorogued it for three Weeks: This Instrument also says, That *Edward* offer'd to Instruct his Right of Superiority from the Chronicles of

(1) Pag. 99. (2) pag. 436. (3) after pag. 96.

several Monasteries: And if they had any Muniments to exclude him from that Right, He appointed them to produce them, precisely at the next Meeting, protesting he was willing to do Justice ^r.

ADMITTING this fair fac'd Narration to be True, yet even by the Behaviour of the *Scots*, and by *Edward's* offering to prove his Right, It appears, That this Claim was a new thing to the *Scots*, and was not demanded till there were Intestine Divisions in *Scotland*, and when there was as many Factions and Parties almost in it, as there were Competitors to the Crown: And if *Edward* had been a fit Judge, The *Scots* could soon have exhibit many Evidences of their Independency, which in a few Years thereafter they represented to the Pope.

IN the Interval of these Meetings, *Edward* and his Emisaries were busie in practising some of the Competitors; But their great Work was, in hatching and framing a Writing, by which the Competitors to the Crown were to submit their Claims and Pretensions to the Crown of *Scotland*, to be determined

(1) *Pryn. Edw. 1. pag. 489.*

by the King of *England*, as Supreme Lord and Superiour of the Kingdom of *Scotland*, And to engage to stand by his Decifion.

THE *Scots*, in the Faith and Affurance made to them by the forementioned Deed, met *Edward* upon the day appointed, where, without any regard to these Affurances, He poffively demanded the Competitors and Nobles to Recognize his Superiority; But they demurring, He exhibited the foresaid Submiffion ready fram'd, and by Force and Violence made the Competitors, who were present, fign it, and the other Nobles to Recognize that pretended Right.

THAT these Acknowledgments were extorted by Force and Fear, doth appear from the Accounts given by *Westminster* ¹, and *Walsingham* ², of what the Pope Wrote to the King of *England*, upon this Subject. And this Extortion is now evident and put beyond Denial and Question, by the account of this matter, given by the *Abingdon* Chronicle in the *Bodleian* Library, and by the Second Part of the Chronicle of *Walter Hemmingsford*,

(1) Pag. 436. (2) Pag. 80.

in the Library of *Trinity Colledge* in
Cambridge, Transcribed by the Learn'd
Mr. Tyrrel, who from them says, "That
 ' when the *Scots* seem'd dissatisfied,
 ' and not willing to comply with the
 ' Kings demands, He was so far incen-
 ' sed, That he Swore by *St. Edward*
 ' (the greatest Oath he ever used)
 ' That he would lose his Life in the
 ' prosecution of his just Rights ; and
 ' indeed he had all the Militia of *En-*
 ' gland then ready prepared to have
 ' fallen upon and compel them, if they
 ' had then denied what he demanded :
 ' So that it was no wonder, if not
 ' only the *Scottish* Nobility, but all
 ' the Competitors to the Crown either
 ' for Hope or Fear, made the above-
 ' mentioned Recognition of King
 ' *Edward's* Right to the Superiority
 ' over all *Scotland*.

THESE Things fully demonstrat,
 That *Edward's* assuming the Title and
 Office of Superior Lord of *Scotland*,
 was an evident Usurpation ; and that
 the Acknowledgments made by the
Scots of this pretended Right, and the
 Homages done by them to him, were
 manifest *Extortions*, and Acts of

(1) *Hist. Vol. 3. pag. 65.*

Violence

Violence and Oppression ; Wherefore not only these Acknowledgments, But also all others made in consequence of them were null and void.

THE *Scots* being thus under constraint by irresistible Force, They were obliged from time to time to follow such measures as the uncontrollable Will and Power of *Edward* did prescribe.

BUT he knowing, that this Submission wou'd not be effectual, unless he were also Master of the Kingdom, with the Castles and strong Holds in it ; Therefore next day, he under pretence, That he might deliver them to the person who shou'd be found to have right to the Crown, proposed the sequestrating of them in his Hands ; And made the Competitors sign another Deed, for his having possession of the Kingdom and Castles of *Scotland*, as Superior Lord thereof, till their Pretensions to the Crown were determined.

THESE two Deeds are transcribed by *Westminster* ¹, *Walsingham* ², and *Pryn* ³. and by some English Historians.

(1) Pag. 415. (2) P. 56. (3) p. 502,
 & 504. When

WHEN the King of *England* had thus forced the *Scots* to recognize his pretended Superiority, and to give him possession of the Kingdom and Castles ; There wanted nothing in appearance to make his Right and Title perpetual, But a Removal or Destruction of such Deeds as were in our Archives, that evinced our Independency ; Wherefore in *August 1291*, when the Disputes among the Competitors were at the greatest height, He issues forth a Writ empowering the Abbots of *Dumfermling* and *Holy-rood-house*, and three *English* Men therein named, to Review and Examine the Records of *Scotland*, which were in the Castle of *Edinburgh*, or elsewhere in that Kingdom ; and to depositat them in such Places, as that King shou'd appoint. By this Writ the three *English-men* had power to proceed in that Affair without the two *Scots* Abbots.

MR. *PRYN* has publish'd this Writ from the *English* Records, to shew the great Esteem and Care King *Edward* had of the Records of *Scotland* ; But the Design of that King was far other.

wife being either to carry off, or to cause destroy, what was in our Records that wou'd confound his usurp'd Superiority; For this Writ bears Date the 12. of *August*, and in a few days thereafter on the Eve of *St. Bartholomew* in the same Month, several Deeds which were clear Evidences of our Independency mentioned in an Inventory signed by the saids Commissioners, were taken by Order of King *Edward* from the Castle of *Edinburgh* to *Berwick*: From an ancient Transcript of which Inventory, and of an Inventory of our Records made in the year 1282, I have placed in the Appendix, a List of some Deeds that were among the Archives of *Scotland*, and either carried off by King *Edward*, or destroyed: Which by their very Titles show our Independency.

BESIDES, The Deeds concerning any Transactions between the two Kingdoms published by Mr. *Rymer* Historiographer of *England*, do fully manifest, That we have had Deeds in our Archives in relation to our Liberties, that have been either carried off, or destroyed; Since some of them are taken by that Learn'd Person from the Originals, and others from

the Records. Nor can I mention this, without a due acknowledgement of Thanks to that worthy Gentleman; By whose Candor and Industry we are favoured with the Publication of many Deeds that evince our Independency, and illustrat our History.

WITHIN some few Months after these Muniments of our Liberty were carried off, *Baliol* was made King by *Edward*, who not only did Homage to him for the Kingdom, but also did acquit him of some Engagements he had made to the *Scots* after his Usurpation of the Superiority.

BUT behold the Fate of *Baliol*, and in him of all the Betrayers of the Liberties of their Countrey; For no sooner had the King of *England* gain'd his Purpose by him, but he despised and contemn'd him; First, in the matter of a Complaint by a Burgeſs of *Berwick*; And thereafter in an Appeal by *Mackduff* to the King of *England*, by which he was toſs'd from one Parliament of *England* to another for some time: Yea when the Cause was try'd, so far was he undervalued, That he was not allow'd Procurators, nor was he permitted to plead his Cause in his Seat, but was made to
rise

rise, and go to the usual place of Pleading.

THESE Affronts rous'd the Courage even of this easie Man, to assert the Indèpendency of the Kingdom, and to vindicat the Injuries done to the *Scots* by *Edward*, in extorting Acknowledgments of Superiority; whereupon a War broke out between the two Nations; But the *Scots* being so unhappy in having *Baliol* to their King, and by some fatal Divisions among their Leaders, had not that Success in defending of their Liberties, as they had afterwards, when in much worse Circumstances, under the Conduct of the brave and valiant *Robert the Bruce*. So that again *Baliol* submitted to the King of *England*, and *Edward* by Force and Violence, and by many Tortures and Threats compell'd most of the Nation to acknowledg and swear to his usurped Right of Superiority. Nevertheless the *Scots* never gave over to struggle for their Liberties, but upon all occasions exposed themselves to the utmost Dangers in asserting them: For they justly reckon'd, that Engagements extorted by Force, were void and null, and from

them they were absolved by the Pope.

BUT to return, *Baliol* was for some time a Prisoner in *England*, but ended his unfortunat days as an Exile in *France*, being reckon'd by the *Scots*, *the Betrayer of their Kingdom*. And tho' *Edward Baliol* his Son, by the under-hand Dealing at first of *Edward the Third*, and then by his avow'd Assistance, usurped the Crown of *Scotland* for a little time: Yet the *Scots* expell'd him and his Posterity for ever.

IT'S not my Business to relate the many Bloody Battles and Engagements between the two Nations, occasioned by the imagin'ry Claim of Homage, so zealously pursued by *Edward the First*; Nor how in the days of his Son *Edward the Second*, The *Scots* beat the *English* out of *Scotland*, and reduced three of the *Northern* Counties of *England* to their Obedience, the King of *England* having much ado to defend the rest, Nor of the unsuccessful Expedition of *Edward the Third* against the *Scots*.

I SHALL only notice, That at length there was a Peace concluded

(1) *Tyrrel's Hist.* V. 3. *Intro.*
P. 8. between

between King *Robert Bruce* and *Edward the Third* : Of which Peace, one Article was, That the King of *England* should renounce all Claim of Homage to *Scotland*, and acquit all Deeds of Homage and Subjection, and deliver them up : Which, tho' of no great Consequence, since all these Deeds were extorted, yet shews the great Care of our Ancestors to remove all things that had the least shadow to question their Independency.

OF this Renunciation, I have placed a Copy in the Appendix 1, taken from two Manuscripts in the Library of the Honourable Faculty of Advocats : There is also a Copy of this Deed ingross'd in the Continuation of *Fordon's History*, in the Library of the College of *Edinburgh*, and I have also seen Copies of it in the Records of some Monasteries.

MR. *AIWOOD* pretends, That this Release was granted by *Edward the 3d*, while he was under Age, by the Influence of *Mortimer* ; And, That it was done without the Consent of the States of the Realm ; For among the Articles upon which *Mortimer* was Impeach'd in

Parliament attainted, and afterwards Executed for high Treason, One was, That he Confederated with the Scots, against the Honour of England ; Another, That he caused all the Ancient Records of the Scots Homage, and Obedience to the Kings of England to be delivered to them ¹. To vouch these Articles, Mr. Atwood Quotes in his Margin, *The Rolls of Parliament*, and with them joyns *Grafton*, a late Author of a very low Character.

IF Mr. Atwood be not grossly Ignorant of the tenor of this Release, which he undertakes to Impugn, he seems to be pretty bold, To give a Crown'd Head of his own Nation so plainly the Lie ; For *Edward the 3d*, in that Deed, says in exprefs words, That he granted it with the Advice and Consent of his Parliament ², and our Author's *Most faithful Historian* *Walsingham* confirms this ³.

HE also seems to belie the Records of the *English* Parliament, in adducing them to vouch these two Articles of Impeachment against *Mortimer* ; For the Ingenious Mr. *Tyrrel* has of late

(1) Pag. 316. (2) Append. Numb. IX.
(3) Pag. 128.

Published the Articles exhibited in Parliament, against *Mortimer*, from the *French* Original in the Tower of *London* ¹, wherein the two Articles mentioned by Mr. *Atwood*, are not to be found.

THE Tragical History of those times doth fully display the fatal Consequences of the Encroachments made by *Edward* the First, upon our Liberties, and the various Turns of Fortune in a long and Bloody War, wherein the *Scots* were in the end Victorious. Nor have some of the *English* Historians been wanting to make suitable Reflections upon these Calamitous times!

AMONG others, The Accomplisht Mr. *Daniel* has some thoughts worthy of Remark, This Gentleman says ², "That upon *Edward* the first's Claiming the Superiority of *Scotland*, brake out that mortal Dissention between the two Nations, that consumed more Christian Blood, wrought more Spoil and Destruction, and continued longer than ever Quarrel we read did, between any two People of the World. That all the Successive Kings

(1) *Hist. V. 3. p. 362.* (2) *Hist. of England. p. 192.*

' of *England* had their share more or
 ' less in this miserable Affliction, both
 ' to their great Expense of Treasure,
 ' and extreme Hinderance in all other
 ' their designs. That it doth not now
 ' concern to stand upon any points of
 ' Honour, whether of the two Nations
 ' did the bravest Exploits in these
 ' Times; seeing who had the better was
 ' beaten, neither did the Overcomer
 ' Conquer when he had done what he
 ' could: That little which was gain'd
 ' cost so much more than it was worth,
 ' as it had been better not to have
 ' been had at all. And if any side
 ' had the Honour, It was the invaded
 ' Nation; Which being the weaker and
 ' smaller, seems never to have been
 ' Subdued, tho' often Overcome:
 ' Continuing, notwithstanding of all
 ' their Miseries, resolute to preserve
 ' their Liberties; Which never Peo-
 ' ple of the World more Nobly De-
 ' fended against so Potent and Rich a
 ' Kingdom as *England*: By the which
 ' without an admirable Hardiness and
 ' Constancy, It had been impossible,
 ' but they must have been brought to
 ' an utter Consternation.

HAVING now proven our Inde-
 pendency from the *English* Historians
 and

and Records, I shall take the Liberty to offer a few things from the Fragments left us of our Records, which confirm our Independency, and Illustrat some parts of the History of the Reign of *Robert the Bruce*, that perhaps are not well known.

IF then, we cast our Eyes upon what is left in Record to us by our brave Ancestors, who lived in the Days of King *Robert Bruce*, We will find Noble Monuments of our Liberties. The Calamities of *Scotland* were in those Days many and heavy ; But we have some Comfort, for the loss of a valuable Treasure of our Antiquities, That there yet remain Excellent MANIFESTO'S of our Independency.

OF these, The first may be reckon'd, A *Declaration in Parliament*, By the Clergy and Community of *Scotland* : Whereof I have seen a Copy among the Collections of the Learn'd and Industrious Antiquary Sir *James Balfour*, unto which is subjoyn'd a *Memorandum*, That he copied it with his own Hand, from the Treasury of Antiquities, kept by Sir *Robert Cotton* at *Westminster*. It is the same Word by Word, with a Declaration by the Clergy of
Q q this

this Kingdom, met in a National Council, with the Addition only of the Words, *And Community, Or, People of Scotland*, in such places of it, as mention the Clergy. Of this Parliamentary Declaration, The Conclusion and date runs, *Given in a Parliament, Holden at St. Andrews in Scotland the 17 of March, 1308.*

THE Original Declaration by the Clergy in a National Council of *Scotland*, Holden at *Dundee* in *February 1309*, is yet extant, and to be seen among our Records in the Parliament House, from whence I have Published it in the Appendix 1. I have likewise seen in several Collections of Antiquities, Copies of these Declarations; As also a Copy of a Declaration in the same Terms, by the Bishops, wherein their Names are particularly exprest, which I have subjoyn'd to the Translation of the Clergy's Declaration 2.

WHAT is contain'd in these Declarations, being done and testified by the Unanimous and joynt-Sentiment of a Parliament, and of a National Council, the two Supreme Judicatures

(1) Numb. 12. (2) Numb. 14.
Civil

Civil and Ecclesiastick of this Kingdom, is of great Authority; And they indeed contain Matters of great Import, in relation to our Liberties.

FOR the Satisfaction of all, I have Translated this Deed of the Clergy: And also another Evidence of our Independency, The Letter of the Nobility and Community to the Pope: If in any part, the Translations please not, The Appendix presents the Reader with them both in their Original *Latin*.

BEING thus, It's needless to make long Reflections upon these Declarations; Only to pursue the Threed of this Essay. It appears from them, That our Ancestors were very sensible, How much their Calamities, and the danger of their Liberties, flow'd from the unhappy Competitions and Factions among themselves. They mournfully Reflected upon and bewail'd the doleful Consequences of their Divisions; Which had brought the Kingdom to the brink of perpetual Ruine: And as a warning to Posterity, They tell, That nothing could have pre-

(1) *Append. Numb. 13. & 14.*

this Kingdom, met in a National Council, with the Addition only of the Words, *And Community, Or, People of Scotland*, in such places of it, as mention the Clergy. Of this Parliamentary Declaration, The Conclusion and date runs, *Given in a Parliament, Holden at St. Andrews in Scotland the 17 of March, 1308.*

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(1) Append. Numb. 13. & 14.

served the Kingdom and Government from Perishing, unless by Divine Providence, They had united their Hearts and Counsels for the common Safety. They complain of the King of *England's* imposing a King upon them : And with all Honour and regard to the Royal Line, They boldly assert their Priviledges in the Settlement of the Crown.

THEY Publish their just Resentment against *Baliol*, the betrayer of the Kingdom, and express much Gratitude to *Robert the Bruce* their King, as being under GOD, the Instrument of their Delivery : And, with a becoming Generosity, measure the Obligations they had to their Deliverer, by the Dangers and Evils from which they were rescued. They frankly own'd, That the Kingdom had been several times in Danger of being lost, but was still recover'd by the valour of their Kings. And they publicly proclaim to the World, That any former Deeds, containing the consent of the People and Commonalty, in prejudice of their Liberties, were *Extorted by irresistible Force and Violence, and by threats of Torture, and other Terrors*, which might distract the Spirit

Spirit of the best of Men, and are incident to the most composed Mind.

CAN there be a greater Evidence of the Independency and Freedom of a Nation, Than the Liberties which we find our Ancestors exerted. One remarkable Instance is in a plain and weighty Paragraph of these repeated solemn Declarations by the Clergy and Community of *Scotland*. In them it is said ; *That the Right and Title of King Robert the Bruce to the Crown, was declared by the Judgment of the People, That he was assum'd to be King by their Knowledg and Consent, for ends mention'd by them ; That being Advanced by their Authority to the Crown, He was thereby Solemnly made King of Scotland.* These appear to be Important and Comprehensive Sentences. How far they establish and confirm a Revolution Settlement, as being agreeable to our ancient Constitution ; Or how far they discover, That a Claim of Right is no Novelty in *Scotland*, but was the Principle and Practice of our Fathers : And how far the Title of *King Robert Bruce* and his Successors, who have sway'd our Scepter, for these four Hundred Years, is Settled and Founded in these Principles,

ciples, I leave to every Man to Judge; But sure I am, These Declarations plainly evince, That any Homages made by the People of *Scotland*, to *Edward* the first, were extorted Acknowledgments.

IN pursuance of their Independency and Freedom, and also for security of the Kingdom, and to shew that *England* had no Concern in the Settlement of our Crown : There was about four or five years after these Declarations, a most solemn Act entailing our Crown, made at *Air* in the year 1315, by the King, and Lady *Marjory* his Daughter, and Lord *Edward Bruce* his Brother : By the Bishops, Abbots, Priors, Deans, Arch-deacons, and other Prelates : By the Earls, Barons, Knights, and by the remanent of the Community of the Kingdom of *Scotland*, Clergy and Laity.

BY this Act, they unanimously entail and provide, the CROWN of *Scotland*, after the decease of King *Robert* the *Bruce*, to the Heirs-male of his Body, which failing, to Lord *Edward Bruce* his Brother, and to the Heirs-male of his Body : Which failing, to Lady *Marjory Bruce* the Kings Daughter, and failing of her to the nearest Heir
of

of the Body of King *Robert Bruce*:
 With this Condition, that Lady *Marjory* marry with Consent of her Father;
 And in case of his decease, with-
 Consent of the greater part of the Com-
 munity of *Scotland*.

BY the same Act, If the Heirs-male
 of King *Robert*, or of his Brother Lord
Edward were Minors, *Thomas Randolph*
 Earl of *Moray*, was appointed to be
 Governour of the Heir and Kingdom,
 until the Heir by the Community or
 major Part was declared fit for Go-
 vernment. This Earl was also made
 Governour to the Heir of Lady *Mar-*
jory, if she died in Widowity, and left
 her Heir Minor.

BY that Act, it is provided, That
 if all these Heirs of Entail should fail,
 the Earl of *Moray* was to be Gover-
 nour of the Kingdom, until he cou'd
 conveniently call a Meeting of the Pre-
 lates, Earls, Barons and others of the
 Community to settle the Succession
 and Government.

LORD *Edward Bruce* who was the
 first presumptive Heir of Entail be-
 came King of *Ireland*, where he died
 without Issue-male. Likewise Lady
Marjory the next presumptive Heir de-
 ceased, leaving only a Son.

King

KING *Robert Bruce* having as yet no Heir-male of his Body, There was an Act of Parliament, made in the Year 1318 : By the which, The States Swear to stand by the King, in Defence of the Rights and Liberties of the Kingdom against all deadly, under the pain of High Treason. It is also unanimously agreed ; That if the King die without Male-Issue, That *Robert* the Son of the then deceased Lady *Marjory* his Daughter, by her Husband *Walter Stewart* of *Scotland* shou'd succeed as Heir to his Grand-father in the Kingdom ; And if he, or any other Heir of the Body of the King, shall be Minor at the King's Death, *Thomas Randolph* Earl of *Moray*, and failing him by decease *James* Lord *Douglas*, were appointed Regents, until by the States, the Heir was thought fit for Government

THE States wisely considering, how much some Questions about the Succession had imbarass'd the Nation, They by this Act determine the Course of Succession, and the Points that had been formerly controverted between *Bruce* and *Baliol*.

FOR Satisfaction of the Curious, I have placed in the Appendix, the
Copies

Copies of these two Acts of Settlement taken from the Collections of a worthy Gentleman long ago deceased, who transcribed them from the Originals. Copies of these Acts are also to be seen in the Continuation of *Fordon's* History in the Library of the Colledge of *Edinburgh*, fairly written upon Vellum: And in a Collection of Antiquities in the Lawyers Library.

BY these Declarations and Settlements may be seen, the great Care of our Brave and Judicious Ancestors, in some matters of the utmost Concern; and amongst other things, their Concern to declare the Right of our Kings, in such manner, as shew'd them to be Independent of the King of *England*, who then claim'd the Superiority.

THE next Monument of our Independency in those days, is the known Letter by the Nobility & Community to the Pope in the year 1320. It has been published both in *Scotland* and *England*; But some words being wanting, and others mistaken, I have by the Courtesie of the Noble Person in whose Hands there is a fair Original, with most of the Seals intire, given a more exact Copy of it, in the Appendix.

IN this Letter, we have the Enumeration of some Noble and worthy Patriots, Protectors and Asserters of our Liberty ; whose Names will ever live in the lasting Records of *Fame*, to incite their Noble Successors to due Regards for the Liberties of their Countrie ; or to stand as a perpetual Mark of their Degeneracy.

ALBEIT *Edward* the first in his Letter to the Pope, did plead the Superiority, upon his Predecessors being descended of *Brutus*, who with others of a Trojan Race, in the days of *Eli* and *Samuel*, vanquished Giants ; Yet our Nobles wou'd not rencounter that Fable, or defeat the whimsical Story of *Albanactus*, by such another Tale hammer'd out by our Monks, of our being descended of *Scota* the Daughter of *Pharaoh* ; But they give a more probable and reasonable Account of their Origin. They glory in their being a free People under the Government of a great Number of **KINGS**, of an uninterrupted Royal Race : And that they were blest with being among the first who embraced the Christian Faith. Tho' *Edward* the first did treat them in his Letter with the harsh Names of **Perfidious** and **Rebellious**,

lions, yet like Gentlemen and Men of Breeding, They gave him the Title of *Magnificent Prince*; And with as much Modesty as the Subject would allow, rehearse the Injuries he had done to them, when they were without a Head, and expected no ill at his Hands. They in Terms, like to these contained in the before-mentioned Declarations by the Clergy and Community, acknowledge King *Robert* as their Deliverer, who by the Divine Providence, by the Right of Succession, and by their Consent, was made their King. And with much Boldness, They declare, That if he subjected the People, or their Kingdom to the *English*, they would thrust him out, and make another King. That their Plea was not for Glory, Riches, or Honour, But only for LIBERTY, which no good Man loses but with his Life. Being so zealous of their Liberties, they were not ashamed to acknowledge the small Bounds of their Countrey, but rather rejoiced and gloried in their being contented with their own, and that in so little a Spot of Ground, they and their Predecessors had maintained their Independency.

IN this Letter, we find the Number of our Kings exceed what is mentioned in our History ; The Learn'd Sir *George Mackenzie* thinks, they have numbered some Regents and Vice-Roys amongst our Kings . Whatever be in this ; It is of no Advantage to the Opposers of our Antiquity, since it doth not diminish the Number of our Princes ; And perhaps in these days, our ancient History, and the Number of our Princes was better known, than now, when the Annals of some of our Kings may be lost by the Havock of our Records and Monuments made by *Edward the First*.

BY what is said, It plainly appears, That in the days of King *Robert Bruce*, *Scotland* enjoy'd her ancient Liberties, and Independency, and ever since continues in the Possession of them : For whatsoever were the base Surrenders of the *De Facto* Kings, the mean Spirited *John Baliol*, and his Son *Edward* of the same temper, yet these can be no infringement of the Sovereignty of our Crown.

THE Forgeries and Falshood of the Evidences of the Homage paid by

(1) *Preced. & Herauldr. page 19.*

King

King *David Bruce*, and by King *James the First*, are already noticed. And tho' amongst the Deeds Forged by *Harding*, There may be found proofs of the Homage of this *David*, and also of his Nephew and Successor King *Robert the Second*, the Grandfather of our King *James the First*; Yet these Deeds being own'd as notorious Forgeries, by the Learn'd Mr. *Rymer* Historiographer, and the Ingenious Mr. *Tyrrel*, I shall take no further notice of them.

FROM the Reign of our King *James the First*, It is universally acknowledged, There was no demand or surmise about the Homage, until King *Henry the Eighth* (as is said) made a long Narration concerning it, in his Declaration of War against his Nephew King *James the Fifth*.

WHAT is in that Declaration of War, in behalf of the Homage, is Collected from Records and Proofs already Refuted; There's indeed one singular Article of Indictment against us, by which we are arraign'd, *For stealing out of the King of England's Treasury divers Instruments, made and*

(1) *Hist. of Engl. 3. Vol. Introd. p. 9.*
Sealed

Sealed with the Seals of our Kings testifying their Homage, which nevertheless, were afterward recovered again ¹.

IT'S not to be imagined, That under this horrid Charge, are comprehended such Instruments as were voluntarily given up, and released by *Richard the First*, and *Edward the 3d*. Of other Deeds made by our Kings importing Homage we have not heard, but of these scandalous Charters that were Forged by *Harding*, and delivered by him to the Treasurer of King *Henry the 6th of England*, and depositat in the Chapter House of *Westminster*; Which I presume are the only Original Instruments with our Kings Seals, testifying the Homage to be found in the Archives of *England*. This I may with the more boldness say, because I have perused the Repertory or List of the Writs concerning *Scotland* in that Treasury.

IF then, to protect these abominable Forgeries from an obvious exception, and ground of discovery, by their being so lately depositat in the Treasury of *Westminster*, a Story was

(1) *Vid. Copy of this Declaration in Holinshed's Hist. of Scott. p. 326.*

invented

invented of their being stollen and recovered again, and we publicly arraign'd for the stealth by the Compilers of that Declaration; This still more and more discovers the wicked Injuries done to us in the Claim of Homage.

THE Evidences of Homage contained in the Letter of Bishop *Tonstal*, in the Reign of King *Edward the 6th*, are already toucht. In those days, an assuming Lawyer, like my Friend, Published a little Book, Intituled, *The Kynge's Title to Scotlande*; Written I suppose, in order to betray the Justice and Innocence of that Good and Religious Prince. In it the Author repeats the common Cant, upon that subject from *Brutus*. This Treatise is of no use, but only to confirm, That all that has been said in that Argument is stuff'd with blunders and falsehood: For besides the usual Topicks, this Author disguises many Historical passages. Amongst others, he, and after him *Hollinshead* 1, says, That Robert the 3d King of Scotland, by appointment of Henry the Fourth of England, resigned his Crown, and deli-

(1) *Hist. Vol. 1. pag. 127.*

vered his Son James, being then of the Age of 9 Years, to this King Henry to remain in his Custody, and Wardship, as of his Superior Lord, according to the old Laws of King Edward the Confessor.

NOTHING can be more gross; For how this Prince came in the Hands of the King of England, and how Afflicting it was to his Father, who died for Grief, is very well known. And tho' this James, by the happiness of a sweet Temper, and of an undisturbed Education, became one of the best Kings that ever mounted a Throne; Yet the manner of his being taken Prisoner by the English in time of Peace, and his being detain'd so long in England, admitts of no reasonable excuse or pretext.

MR. ATWOOD will not leave the Homage at the Reign of Edward the Sixth, but to distinguish himself by being singular, will hand it forward to the days of Oliver Cromwel. The Metaphisical Gentleman then pretends, That the Subjection was own'd in the Reign of Queen Elizabeth, by telling, *As the Declaration of War by Queen Mary of Scots, was contrary to her Duty, who was an Homager to the Crown of England,*

England, *The Nobility of Scotland by disbanding the Army then rais'd, disavow'd that Renunciation of Homage, and therein submitted to the Right of the Crown of Scotland* 1.

THIS is a nice Original of Historical Chimistry in our Author, who can extract Homage from the Nobles of Scotland, their Disbanding and Discountenancing an Army, rais'd to the prejudice of the Reformation in both Nations, and for concurring with our Neighbours, in Strengthening that blessed Turn in the Matter of Religion.

BY such Reasonings and Inferences, We may be accounted Homagers, by concurring in the late happy Revolution; Some of our Troops being Disbanded for not being affected to that Interest: But it's to be hoped, Wiser Men will make more suitable and solid Reflections, from the part we acted upon both these Occasions.

OUR Author allows the Homage to have continued in suspense during the Reigns of *James* and *Charles the First*; But that soon after the Affairs

of England and Scotland had a new Face. He tells us, That Cromwel and General Monk having subdued Scotland, settled Garisons where they found it requisite to keep them under the Parliament of England, as the part who acted, called themselves ¹. He tells us, That several Acquisitions in the times of the Usurpation, were retain'd by the English, such as Dunkirk and Jamaica ²: Then if he cannot hit us by the Homage, He would fain throw us in with the Acquisitions by a singular whim; That King Charles the 2^d by taking the Solemn League and Covenant, effectually abdicated or renounced, being King of England: And whatever Right over the Scots, was acquired during that Abdication, must needs have been effectual to all Intents and Purposes ³: To this he adds, That the Power of England had Opportunity to compleat the Reduction of Scotland, while King Charles had abjured the Church of England ⁴. Thus by the Courtesie of Mr. Atwood, we're made a subdued Province of England.

(1) Pag. 317. (2) Pag. 319.
(3) Pag. 320. (4) Pag. 323.

THESE

THESE Myſtical Schemes are ſo very Ridiculous, That it may be thought they will for ever be peculiar to our Author.

I MUST own my ſelf to be very little Verſed in the Tranſactions of thoſe times; But by any glimmerings I have of them, I would think, That things of a different nature may be drawn from them.

AFTER the moſt barbarous Murder of King *Charles the Firſt*, by the colour of Law and Juſtice; We having own'd *Charles the 2d*, his Son, as our King, There was an Army came from *England*, under the Command of General *Cromwel*, who defeat the *Scots* Army at *Dumbar*; But this defeat was as fatal to *England* as to *Scotland*; As will appear by what follows.

IT'S already noticed, That *Edward* the firſt of *England*, endeavoured to be Maſter of *Scotland*, to make way for his intended abſolute Power of *England*. What could not be effectuat by the Violence of that War-like Prince, and of his Son, and Grand-child, *Edward* the *Second* and *Third*, was wrought by the cunning and addreſs of an Uſurper: It being well known, How *Cromwel*, after the Battle

of *Dumbar*, insinuated himself upon the *Scots*, which rais'd a jealousy of his Power in the long Parliament, who were about to remove or retrench him: But he having an *English* Army in *Scotland* at his Command, (tho' he had his Commission and Instructions from that Parliament) He fairly bad his Constituents defiance, turn'd them disgracefully out of *Westminster-Hall*, and then discovered his purposes for himself; Who from a General, was rais'd to an Office, in which, tho' he had not the Name, yet enjoy'd all the Powers and Authority of an absolute Sovereign.

THESE things are plainly to be seen in the Annals of those times; And the Foreign Historians who have Written the Life of *Oliver Cromwel*, take particular notice of the Victory at *Dumbar* in *Scotland*, as wha laid the foundation of his Usurpation, and uncontrollable Power.

NOR needs Mr. *Atwood* mention the settling of Garisons here, as Evi-

(1) *Ragunet Hist. D' Oliv. Cromwel*,
Lib. 4. pag. 236, &c. G. Leti. Hist.
D' Ol. Cr. 2d Part. Lib. 4. pag. 191, &c.
 dences

dences of our being reduced, since they were chiefly kept to overaw *England*: And it may be remembred, That as the *English* Army in *Scotland* did contribute to the rise of *Oliver Cromwel*; So General *Monk* by the same Army, in concert with the *Scots*, did again turn the ballance of *Britain* at the Restoration.

HAD Mr. *Atwood*, in stead of his empty Treatise about an imaginary Superiority, employ'd his Reading and Thought, to present the World with some Arguments and Instances, to evince, That the Liberties of both Kingdoms are so stated, That the one cannot Suffer, without endangering the other, he had done better Service to both.

A GREAT Statesman, the famous Sir *William Temple*, has a Noble and Remarkable Thought and Reflection, upon the Quarrels between the two Kings, *Malcolm Canmoir* of *Scotland*, and *William* the *First* of *England*, which seems to point at somewhat beyond the Illustration of the History of those ancient times. Whatsoever is done by this worthy Gentleman, is so fine, That I presume it will not be unacceptable

unacceptable to transcribe that notable passage 1.

“ FOR some days (saith this great
 ‘ Man the two Armies stood at a
 ‘ Bay, seeming both prepared for a
 ‘ fierce Encounter, and yet both con-
 ‘ tent to delay it, from a mutual re-
 ‘ spect they had for one anothers Forces
 ‘ and Dispositions. They were in-
 ‘ deed not much unequal in Numbers,
 ‘ nor in the Bravery and Order of their
 ‘ Troops; Both Kings were Valiant
 ‘ and Wise, having been train’d up
 ‘ in Arms, inured to Dangers, and
 ‘ much embroil’d at Home in the be-
 ‘ ginning of their Reigns. They
 ‘ were now animated to a Battle, by
 ‘ their own Courage, as well as their
 ‘ Souldiers; But yet both considered
 ‘ the Event, in the uncertainty and
 ‘ the consequence : The loss of a
 ‘ Battle might prove the loss of a
 ‘ Crown, and the Fortune of one day
 ‘ determine the fate of a Kingdom:
 ‘ And they knew very well, that
 ‘ whoever Fights a Battel, with what
 ‘ Number and Forces, what Provi-
 ‘ sions and Orders or Appearances

(1) *Introduç. to the Hist. of Engl.*
 pag. 120, 121, & 122.

‘ soever

'soever of Success, yet at the best
 'runs a Venture, and leaves much
 'at the Mercy of Fortune, from
 'Accidents not to be foreseen by any
 'Prudence, or governed by any Con-
 'duct or Skill. These Reflections be-
 'gan to dispose both Kings to the
 'Thoughts of ending their Quarrel by
 'a Peace, rather than a Battle, and
 'tho' both had the same Inclinations,
 'yet each of them was unwilling first
 'to discover it, lest it might be in-
 'terpreted to proceed from Apprehen-
 'sions of Weakness or Fears, and
 'thereby dishearten their own Soldi-
 'ers, or encourage their Enemies. The
 'Scots at length begun the Overture,
 'which was received by King *William*,
 'with a shew of indifference, but with
 'a conceal'd Joy, and the more rea-
 'sonable, as having the greater Stake,
 'the less to win, and the more to lose
 'by the issue of a Battle.

WITH my Heart, I regrave, That
 ever this Controversie about the Ho-
 mage shou'd have been again brought
 into the Field, and not the less, that
 I am unluckily engaged in it. What
 I have advanc'd upon that Subject is
 without any Design to offend: And
 I hope, I will not be blam'd, so long
 as

as Self-defence is justifiable. I have all due regard for the Noble and Mighty Kingdom of *England*, and for the Learn'd and Ingenious of that Nation: Wherein I differ from any of them, I have offer'd my Reasons, which if Lane, I humbly submit to Correction. And I presume the judicious will consider, under what Disadvantages any person who undertakes this Province is, when our Archives have suffered so many Misfortunes; So that for our Defence, there is now nothing left, but what can be glean'd from the *English* Historians and Records, and from a few Fragments of our own Records.

HAVING examined the most material Arguments and Proofs, brought by Mr. *Atwood*, for the Homage, It will be expected, that I shou'd take a little notice of the Scar-crows with which he would frighten Opposers.

BEING possess'd with an Imagination, That he has demonstrat *Scotland* to be an *Appennage* of the *English* Monarchy, he wou'd bring in all who deny his Doctrine, as guilty of high Treason, by their derogating from the right to the Crown of *England* ascertain'd

tain'd by the Act of Settlement in that Nation ¹. And at best reckons his Opponents to be either such *Scots-men* as are influenced by *French Counsel* ², or the Non-jurors in both Kingdoms ³.

WHETHER such Thoughts and Expressions are more Injurious or Insolent, is hard to determine: Cou'd Impudence go higher, than to give to a Statute of his own Countrey, such a scandalous Gloss and Stretch, which was never thought nor designed by the Law-givers? Such a wicked and silly Commentary is not to be paralleled. Nor cou'd Malice devise any thing more Calumnious, than to conclude all *Scots Men*, who will not calmly surrender their *Liberties*, to be deeply engaged with *France* ⁴: And to reckon all *English* men, who are not in his ridiculous Sentiments to be Enemies to the Government. These be shrewd Presumptions, that there was great Danger of Life, Fortune, and Reputation, even under the colour of Law, in the District of such a wild Chief Justice.

(1) Page 568. and 569. (2) Page 570. (3) Page 573. (4) P. 575.

One who under the Cloak of a Protestant Interest, has so unseasonably, publisht a Book with an Alarming Title, stufft with provoking Doctrine and irritating Consequences, who justifies Fables, defends Forgeries, and startles at no Absurdities, cannot but be thought a fit Tool for mischievous Purposes.

THE long and Bloody Wars in the Reigns of the first three *Edwards*, give us a doleful Prospect of the lamentable Consequences of this Quarrel, which to revive, none will wish or promote, but mercenary Scriblers and Fire-brands that are Enemies to both Nations.

IT'S not presumeable, that any Person of Worth or Reason in cool thought, and after glancing upon the true State of the Matter, will Support or Countenance any Attempts upon our Independency. Far less can it be supposed, That the wise People of *England*, who have so much Signalized themselves in behalf of the Protestant Religion, and of the Common Liberties of *Europe* against a Powerful Prince, will ever overturn the Liber-

ties of a free People, who have chearfully join'd in the common Cause. How much in the late and present Wars, Our Country-men in the most Bloody and Desperate Engagements have shewn their wonted Bravery, and with what Advantages is sufficiently known; And if Justice be done them, will be recorded in the Annals of this Age.

KING *William* and Queen *Mary* were cautious as to any thing, that might give the least Umbrage of this Claim; For at the Solemnity of their Coronation in *England*, Tho' they were both of the Blood Royal of *Scotland*, And that this Good Queen, as a Daughter of *Scotland*, might have born the Armorial Ensigns of that Kingdom, yet in this August Appearance, because Our Estates had not then Declared them Our Sovereigns, They did not use these Arms, But Supplied the Quartering of their Royal Atchievements, by a Repetition of the Armorial bearing of *Ireland*, which is to be seen by the Records of the Herauld-Office in *England*, and by a Print of the Procession observed at that Solemnity.

IT may be presumed, That it is the
sincere

sincere and fervent Wish and Prayer of all Good Men, That upon Just and Equal, and by consequence lasting Terms, a Good Understanding may be Established between two Nations, planted by Nature in on Isle, People of the same Language, linked by frequent Inter-marriages in Affinity and Consanguinity, and by the Blessing of Heaven already Engaged to one another, by the most Endearing Tye of Religion.

THUS, In Duty to my Countrey, and in Self-defence, when without any Provocation attack'd by Mr. *Atwood*, I with all Submission have offered my Thoughts concerning our Independency, wherein I have been the more full and plain, in Relation to the unbecoming Artifices employ'd to Support the imaginary Claim of Homage, That if possible, the Abettors of that Claim may be Silenced, who, pretend what they will, yet can have no other Design, but to Foment and Create Misunderstandings between two Protestant Independent Kingdoms, which I pray GOD may continue in Peace and Amity, while Sun and Moon endure.

THE
Appendix

Containing the Copies of several

CHARTERS

And other

WRITS;

With the *SEALS* of four of them
Engraven in *COPPER-PLATE*,
Which Illustrate some Passages in
the preceeding *ESSAY*.

THE
ALPHONSO
CHARTERS



T
M
ac
Sa

()

*Copy of the Forg'd
Charter of Homage
by Malcolm Can-
moir King of Scot-
land with the Seal.*

Taken from a Copper-plate Copy, the
Original being of late Casually some-
what defaced.

Numb. I.

MALCOLMUS Dei Gratia Rex
Scotorum & Insularum adja-
centium omnibus Christianis
ad quos presentes litere pervenerint
Salutem tam Danis & Anglis quam
[A] Scotis

Appendix Numb. 1.

Scotis sciatis nos & Edwardum primogenitum filium nostrum et heredem Comitem de Carrick et de Rotfaye recognovissen tenere totum regnum nostrum Scotie et Insulas adjacentes de Excellentissimo domino nostro domino Edwardo filio Ethelredi nuper Regis Anglie superiore domino Regni Scotie et insularum adjacentium per HOMAGIUM ligium et fidelitatem prout Antecessores et Progenitores nostri pro antea temporibus retroactis satis notabiliter recognoverunt et fecerunt prout per antiquior Recorda Corone satis nobis constat Quare ex jure directo nos devenimus homines vestros O Domine noster serenissime Edwarde fili Ethelredi Rex Anglie et Superior Dominus Scotie et Insularum adjacentium durante vita nostra contra omnes homines vobiscum vivere et mori tanquam Ligii subditi vestri fidelis et Ligiam fidelitatem vobis & heredibus vestris portabimus sic Deus nos adjuvet et sanctum Dei Judicium In cujus rei testimonium presentibus Sigillum nostrum apponi fecimus pro nobis et filio nostro predicto apud Eboracum quinto die Junii anno regni nostri nono in parlamento predicti domini superioris nostri ibidem tento Ex consensu et consilio Margarete confortis

Appendix Numb. 1.

tis nostre filie Edwardi filii Edmundi
ferrei lateris Edgari Atheling fratris e-
jusdem consortis nostre et quam plu-
rium Magnatum aliorum regni nostri
predicti.



*Copies of five Genuine
Charters of Edgar
King of Scots with
his Seal.*

Taken from the Originals.

I

Numb. II.

EADGARUS Rex Scottorum Omni-
bus suis hominibus *Scottis et Anglis*
Salutem sciatis Quod ego do in elemo-
sinam Deo Omnipotenti et sancto
Cuthberto Domino meo et Ecclesie
Dunelmensi et Monachis in eadem ec-
clesia Deo fervientibus et imperpetuum
servituris pro animabus patris mei et
matris mee et pro salute corporis mee
et anime mee et Fratrum meorum et
sororum mearum et pro omnibus ante-
cessoribus et Successoribus meis man-
sionem de Coldingham et cum ista
mansione has subscriptas mansiones
scilicet Alcambus Lummesdene Reg-
nintun

Appendix Numb. 2.

nintun Ristun fwinewoode Farndun
Eitun aliam Eitun Prenegeft Cram-
mesmuude Has superscriptas mansiones
concebo Deo et sancto predicto et Mo-
nachis ejus cum omnibus terris silvis et
aquis et teloneis et fracturis navium et
omnibus consuetudinibus que pertinent
ad predictas mansiones et quas pater
meus in eis habuit quietas et solidas
secundum voluntatem illorum imper-
petuum libere disponendas.

2

EADGARUS Dei gracia Rex Scot-
torum Omnibus per regnum suum *Scot-*
tis et *Anglis* Salutem sciatís me dedisse
Omnipotenti Deo et ejus sancto con-
fessori Cuthberto et Monachis ejus pro
animabus patris et matris mee et pro
salute anime mee et fratrum & fororum
mearum Coldingham et omnes illas
terras quas habent in Lodoneo ita li-
beras et quietas cum omnibus consue-
tudinibus sicut eas ego ipse habui in
mea propria manu et volo et percipio
omnibus meis hominibus ut nullus il-
lorum eis a modo aliquam molestiam
vel injuriam inde faciat vel hanc me-
am donationem infringat sed in pace
quiete et honorifice in perpetuum ha-
beant eas et teneant.

EDGARUS

3

EADGARUS Dei gracia Rex
Scottorum Omnibus suis fidelibus per
regnum suum *Scottis* et *Anglis* Salutem
sciatis Quod ego dono in Elemosinam
Deo et sancto Cuthberto et Monachis
ejus Fiswic tam in terris quam in aquis
et cum omnibus sibi adjacentibus et
nominatim illam terram que jacet in-
ter Horverdene et Cnapadene pro ani-
ma patris et matris mee et pro salute
anime mee et fratrum meorum et foro-
rum liberam et quietam tenendam et
habendam et ad voluntatem Monacho-
rum sancti Cuthberti domini mei dis-
ponendam.

4

EADGARUS Rex Scottorum Omni-
bus per regnum suum *Scottis* et *Anglis*
salutem sciatis me ad *dedicationem*
venisse Ecclesie sancte Marie apud Col-
dingham que quidem dedicatio ad Dei
laudem et ad meum placitum grata
omnibus et accepta honorabiliter est
adimpleta et ego eidem ecclesie super
altare

Appendix Numb. 4.

altare obtuli in dotem et donavi vil-
lam totam swintun cum divisis sicut
Liolf habuit liberam et quietam imper-
petuum habendam ab omni calumpnia
et ad voluntatem Monachorum sancti
Cuthberti disponendam pro anima-
bus Patris et Matris mee et pro salute a-
nime mee et Fratrum et Sororum meorum
donavi etiam Monachis viginti quatuor
Animalia ad restaurandam illam eandem
terram Et constitui eandem pacem in
Coldingham eundo et redeundo et ibi-
dem manendo que servatur in Ealande
et in Northam Insuper etiam statui ho-
minibus in Coldingham-scire sicut ip-
si elegerunt et in manu mea firmave-
runt ut unoquoque anno de unaquaque
carucata dimidiam marcam argenti
monachis persolvant, Test; Alfw. O-
cer, et Thor longo et Alfric. pincerna
et Algaro presbitero et Osburno pres-
bitero et Cnut Carl. et Ogga et Lesing
et Swein Ulfkill et Ligulf de Bebban-
burgh & Uhtred filius sine et Uinet
Hwite et Tigerne.

5

ÆDGARUS Rex Scottorum Omni-
bus in regno suo *Scottis et Anglis* salu-
tem

Appendix Numb. 2.

tem sciatis quod ego concedo & dono
domino meo sancto Cuthberto et Mo-
nachis ejus Paxtun ita sicut ego eam
habui cum hominibus terris et aquis et
Monachi eam possideant ita libere et
quiete sicut Coldingham ad volunta-
tem suam vale



Copy

cis
tis
Sup
mal
gare
Edw
nec
con
con
ori
enti

Copy of the Forged Charter of Homage by Edgar King of Scotland with the Seal.

Taken from the Original.

Numb. III.

EDGARUS Dei gratia Rex Sco-
torum omnibus ad quos presen-
tes litere pervenerint tam Fran-
cis et Anglis quam Scotis salutem scia-
tis nos ex licentia Willelmi Regis Anglie
Superioris domini regni Scotie pro ani-
mabus Malcolmi patris nostri et Mar-
garete matris nostre ac pro animabus
Edwardi et Duncani fratrum nostrorum
nec non pro salute nostra dedisse et
concessisse Deo et sancto Cuthberto
confessori Willelmo Episcopo Drugeto pri-
ori et monachis Dunelmie Deo servi-
entibus imperpetuum Baroniam et Ma-

[B]

nerium

Appendix Numb. 3.

nerium de Coldyngham cum hiis man-
sionibus subscriptis scilicet Berwic Old
Cambous Lumelden Reston Faudon
~~Ayton~~ ~~aliam~~ Ayton Prendergest Cram-
esmouth Graiden Lemhale Dilchestre
~~Berham~~ Chirmide Hilton Blacketir
Horon Raynton Paxton Fulden Mor-
~~ington~~ ~~Lambirton~~ ~~aliam~~ Lambirton
Edington Horford Fishewic et Up-
setlington cum omnibus pertinentiis
Juribus et decimis Garbarum et Feni-
cum omnibus libertatibus franchesiis
regalibus adeo libere et plenarie
sicut predictus pater noster et do-
minus illa tenuit habenda et te-
nenda omnia et singula predicta
Baroniam et Manerium mansiones de-
cimas cum omnibus libertatibus fran-
chesiis regalibus et juribus quibuscunq;
predictis *Episcopo Priori* et monachis ac
eorum successoribus de nobis et here-
dibus nostris in puram et perpetuam
elemosinam imperpetuum Et nos et
heredes nostri omnia et singula pre-
dicta Baroniam Manerium mansiones
decimas cum omnibus libertatibus
Franchesiis Regalibus et juribus quibus-
cunq; ut predictum est prefatis *Epis-
copo Priori* et Monachis et eorum Suc-
cessoribus contra omnes gentes prote-
gemus in perpetuum et Defendemus In
cujus

Appendix Numb. 25.

cujus Rei Testimonium presentibus
literis nostris figillum nostrum apponi
fecimus apud Norham in presentia pre-
dicti Regis Willelmi Anglie superioris do-
mini Regni Scotie et predictorum Epis-
copi et prioris Walteri Valeins Odnelli
Umfravile Rachonis de Loreyns Od-
neli Heron Roberti de Amundi villa
et maxime multitudinis Francorum
Anglorum et Scotorum.



**Copy of the Copy of a
Charter said to be
granted by Edgar
King of Scot-
land,**

Taken from the Copy in the *Monastricon
anglicanum*, and from a Copy at *Durham*

Numb. IV.

IN nomine Patris et Filii et Spiritus
Sancti Amen Notum sit omnibus
Christi fidelibus presentibus et futuris
quod ego Edgarus filius Malcolmi
Regis Scotorum totam terram de Lo-
doneio et *Regnum Scotie dono Domini
mei Willelmi Anglorum Regis* et paterna
hereditate possidens consilio predicti
Domini mei Regis Willelmi et fidelium
meorum pro animabus patris mei et
Matris mee nec non et Fratrum me-
orum Doncani et Edwardi et pro salu-
te corporis mei et anime mee et pro
omnibus antecessoribus et Successori-
bus meis do Deo omnipotenti et ecclesie
Dun-

Appendix Numb. 4.

Dunelmensi et sancto Cuthberto glorioso pontifici et *Willelmo Episcopo* et Monachis in eadem Ecclesia Deo servantibus et imperpetuum servituris mansionem de Berewic et cum ista mansione has Subscriptas mansiones scilicet Greidon Lemhale Dilsterhall Birgham Edrem Chirnesid Hilton Blackedir Chynbrygham Hutton Regninton Paxton Fulden Morthyngton Lamberton aliam Lamberton Hadryngton Fichwik Herford Upsetinton et mansionem de Collingam et cum ista mansione has subscriptas mansiones scilicet Aldcambus Lumeden Reston Sumeston Fanden Ayton aliam Ayton Prendergest Cramsmouth Hadynton has Subscriptas mansiones do Deo et sancto Cuthberto cum omnibus terris et silvis et aquis et thelonijs et Fracturis navium et cum omnibus consuetudinibus que pertinent ad predictas mansiones et quas pater meus in eis habuit quietas solidas secundum voluntatem Dunelmensis Episcopi imperpetuum libere Disponendas.

Signum ✠ Edgari Regis Signum ✠ Alexandri Fratris ejus. S. ✠ Menyam. S. ✠ Agulfi. S. ✠ filij Doncani. S. ✠ Eylnerri. S. ✠ filii Eghe. S. ✠ Omani S. ✠ Edgari Uedeling. S. ✠ Uhtredi S.

Appendix Numb. 4.

S. † Filii Magduse S. † Constantini
S. † Rob. de Vinet. S. † Aetele
S. † Gulfi. S. † Alimodi Filii. S. †
David.

HEC carta firmata est quarto Calen-
darum Septembris in Cimiterio Sancti
Cuthberti apud Norham *presente Wil-*
telmo Episcopo et Turgato priore et Aus-
krallo preposito de Norham et Ilgero
de Cornesford Waltero de Walonis et
Galfridode Aldreio et Willelmo filio
Alimodi et Johanne de Amundivilla
et Rathone Lotheringo et Gilberto et
Wilfrido et Alimodo filio Makodi et
Anulfo Fratre suo et presente maxima
multitudine Francorum et Anglorum
Quorum Nomina Longum est inscribe-
re Hoc autem factum est eo Anno quo
Rex Willelmus filius magni Regis Witte-
lmi fecit novum Castellum ante Bebban-
burgh super Robertum Comitem North-
umbrorum.

Ita Carta est Sigillata cum sigil-
lo rotundo dicti Regis Edgari pen-
dente cum filo serico et est in medio
eiusdem sigilli ymago dicti Regis
Edgari sedentis cum parva Corona in
capite et habet in una manu scep-
trum et in altera gladium et habet
subscriptionem YMAGO EDGA-
RI SCOTTORUM REGIS.

Copy

*Copy of the Duplicated
Charter, by Wil-
liam Rufus King of
England.*

Taken from the Original.

Numb. V.

WILLELMUS Rex Anglorum
Thome Eburacensi Archie-
piscopo et omnibus suis fide-
libus Francis et Anglis et Scottis sa-
lutem sciatis me concessisse Deo Omni-
potenti et Ecclesie Dunelmensi et
sancto confessori Cuthberto et *Willelmo*
Episcopo et Monachis in eadem Ecclesia
Deo servantibus et in perpetuum ser-
vituris terras in Lodeneio quas Edga-
rus Rex filius Malcolmi Regis Scot-
torum Deo et supradicte Ecclesie *me*
concedente donavit mansionem scilicet
de Berwic et has subscripras mansio-
nes

Appendix Numb. 5.

nes Greidene Leinhale Dylsterhale
Bricgham Ederham Cirneside Hyltun
Blacedere Cynebrihtham Hotun Rein-
intun Paxtun Fugeldene Mordinton
Lambertun aliam Lambertnn Hedrintun
Fiscwich Horeford Upsetintun et mansio-
onem de Coldingham et has subscriptas
mansiones Aldcambus Lummesdene
Ristun Swinestun Fardun Eitun aliam
Eitun Prenegeft Crammesmude Heden-
tun has subscriptas mansiones cum ad-
jacentibus terris et silvis et aquis et om-
nibus Theloneis et navium fracturis et
aliis consuetudinibus suis sicut eas Mal-
colmus Rex unquam melius habuit
Deo et sancto Cuthberto in perpetuum
concedo Testibus *Willelmo Cancellario*
et *Rotberto* filio Hannonis.

DUPLUM

WILLELMUS Rex Anglorum
Thome Eburacensi Archiepiscopo et
omnibus suis fidelibus Francis et An-
glis et Scottis Salutem sciatis me con-
cessisse Deo Omnipotenti et Ecclesie
Dunelmensi et sancto Confessori
Cuthberto et *Willelmo Episcopo* et Mo-
nachis in eadem Ecclesia Deo serventi-
bus et in perpetuum Servituris Terras
in Lodeneio quas Edgarus Rex filius
Malcolmi Regis Scottorum Deo et su-
pradicte Ecclesie *me concedente* dona-
vit

Appendix Numb. 5.

vit mansionem scil: de Berwic et has
Subscriptas mansiones Greidene Lein-
hale Dylsterhale Brycham Ederham
Cirneseide Nyltun Blacedre Cynebrih-
tham Hotun Reinintun Paxtun Fugel-
dene Mordintun Lambertun aliam
Lambertun Hedrintun Fiscwic Hore-
ford Upsetintun et Mansionem de Cold-
ingham et has Subscriptas mansiones
Aldcambus Lumesdene Ristun Suinestun
Farndun Eitun aliam Eitun Prenegeft
Cramefmude Hedentun has Supercrip-
tas mansiones cum adjacentibus terris
et filvis et aquis et omnibus Theloneis
et navium fracturis et aliis consuetu-
dinibus suis sicut eas Malcolmus Rex
unquam melius habuit Deo et sancto
Cuthberto in perpetuum concedo
Vale.

Appendix Numb. 6.

Copy of a Charter
of Thor Longus
with his Seal.

Taken from the Original.

Numb. VI.

OMNIBUS sancte Matris Ecclesie
Filiis THOR longus in Domino
salutem Sciatis quod *Eadgarus* Domi-
nus meus Rex Scottorum dedit michi
Eadnabam desertam quam ego suo Aux-
ilio et mea propria Pecunia inhabitavi
et *Ecclesiam in honorem sancti Cuthberti*
fabricavi Quam Ecclesiam cum una Car-
rucata Terre Deo et sancto Cuthberto
et Monachis ejus in perpetuum possi-
dendam dedi hanc igitur donationem
feci pro anima Domini mei Regis Ead-
gari et pro animabus Patris et Matris
illius et pro salute Fratrum et Sororum
ipsius et pro redemptione Lefwini Fra-
tris mei delectissimi et pro meimet ipsi
tam corporis quam anime salute Et si
quis hanc meam Donationem sancto
pre-

Appendix Numb. 6.

predicto et Monachis sibi fervientibus
aliqua vi vel ingenio auferri presump-
serit auferat ab eo Deus Omnipotens
vitam Regni celestis et cum Diabolo
et Angelis ejus penas sustineat eternas
Amen.



Appendix Numb. 7.

**Copy of the Deed of
Pension by Henry
the sixth of Eng-
land to John Har-
ding.**

Taken from the Records.

Rot. pat. 36. H. 6. p. 1. m. 8.

Numb. VII.

HENRICUS Dei gracia Rex Anglie et Francie et dominus Hibernie omnibus ad quos presentes litere pervenerint, sciatis quod nos intime considerantes qualiter *Johannes Hardyng* de inimicis nostris scocie certas evidencias et *litteras patentes David et Roberti* quondam regum Scocie *jus nostrum Superioritatis et suppremi Domini regni Scocie concernentes* in quibus predicti *David et Robertus* reges heredes et successores sui tenentur et obligantur

Appendix Numb. 7.

ligantur tenere prædictum regnum Scocie
de regibus Anglie qui pro tempore fue-
rint imperpetuum per homagium ligium
et fidelitatem tanquam dominis su-
perioribus regni Scocie non absque cor-
poris sui periculo et mahemio incurabi-
li ac gravibus expensis adquisivit Quas
quidem evidencias et literas patentes
ac quam plures alias evidencias no-
tabiles prædictam superioritatem nost-
ram approbantes non obstante quod Ja-
cobus nuper Rex Scocie pro eisdem sibi
reddendis mille marcas ei dedisse optulit
nobis liberavit de gracia nostra speciali
concessimus eidem Johanni Hardyng
quendam annum redditum viginti li-
brarum habendum tenendum et perci-
piendum prædictum annum redditum
viginti librarum ad terminum vite sue
de nobis et heredibus nostris per ma-
nus vicecomitis Lincoln qui pro tem-
pore fuerit de redditibus firmis exi-
tibus commoditatibus proficuis et re-
vencionibus de prædicto comitatu Lin-
coln provenientibus ad terminos pas-
che et sancti Michaelis annuatim per-
equales porciones imperpetuum alijs
donis seu concessionibus per nos aut
progenitores nostros antea sibi factis
aut aliquibus statutis sive ordinationi-
bus consilijs revocationibus resumpti-
onibus

Appendix Numb. 7.

onibus aut alijs causis seu materijs quibuscunq; in contrarium faciendis non obstantibus In cujus rei testimonium has literas nostras fieri fecimus patentes Teste me ipso apud Westmonasterium decimo octavo die Novembris anno Regni nostri tricesimo sexto.

Kirkeby.

Per Breve de privato sigillo et de dat. Predicta auctoritate Parliamenti.

Copy

Appendix Numb. 8.

*Copy of the Renunci-
ation made by Rich-
ard the first King of
England, Of the
Deed of Homage for
the Kingdom of Scot-
land, Extorted by
Henry the second
his Father, from
William King of
Scotland.*

Taken from the Original by Mr. Rymer
the Historiographer of England, and
published in the first Tome of the *Fæ-
dera &c. Angliæ.*

Numb. VIII.

RICHARDUS dei gratia Rex
Anglie, Dux Normannie et Aquit-
anie comes Andegavie Archiepiscopis
Episcopis Abbatibus Comitibus Ba-
ronibus

Appendix Numb. 8.

ronibus Justiciariis Vicecomitibus et
 omnibus Ballivis et fidelibus salutem
 Sciatis nos Karissimum Consanguineo
 nostro Wilhelmo eadem Gratia Regi
 Scotie reddidisse Castella sua Rokeborc
 et Berwyk tanquam ejus propria jure
 hereditario ab eo et heredibus ejus in
 perpetuum possidenda Preterea Quie-
 tavimus et omnes pactiones quas bonus
 pater noster Henricus Rex Anglie, per
 novas Cartas et PER CAPTIONEM
 SUAM EXTORSIT ita videlicet ut
 nobis faciat integre et plenarie quicquid
 Rex Scotie Malcolmus frater ejus ante-
 cessoribus nostris de jure fecit et de jure
 facere debuit Et nos ei faciemus quic-
 quid antecessores nostri predicto Mal-
 colmo de jure fecerunt et facere debue-
 runt scilicet et de conductu in veniendo
 ad Curiam et in moranda in Curia et in
 redeundo a Curia et in procuracionibus
 et in omnibus libertatibus et dignitati-
 bus et honoribus eidem jure debitis se-
 cundum quod recognoscetur a quatuor
 Proceribus nostris ab ipso W. Rege
 electis et a quatuor Proceribus illius a
 nobis electis Si autem Marchias Regni
 Scotie aliquis nostrorum hominum
 postquam predictus Rex W. a patre
 nostro captus fuit injuste usurpaverit
 Volumus ut integre restituantur et ad
 eum

Appendix Numb. 8.

eum statum reducantur quo erant ante
ejus captionem Preterea de terris suis
quas haberet in Anglia seu dominicis
seu feodis scilicet in Comitatu Hun-
tedon et in omnibus alijs in ea liber-
tate et consuetudine possideat et here-
des ejus in perpetuum qua prefatus R.
Malcolmus possidet vel possidere debuit
nisi predictus R. Malcolmus vel heredes
sui aliquid postea infeodaverint ita
tamen quod, si aliqua postea infeodata
sunt ipsorum feodorum servitia ad eum
et ad ejus heredes pertineant et terram
quam pater noster prescripto Regi W.
donavit in eadem libertate qua ipsam
ei dedit ipsum et heredes suos perpetuo
possidere volumus *Reddidimus etiam ei*
liggantias hominum suorum quas pater
noster receperat et omnes Cartas quas pater
noster de illo habuit per captionem suam
et que forte per oblivionem retente vel
invente fuerint eas penitus carere vi-
ribus precipimus *Sepedictus vero W.*
Rex liggius homo noster deveniet de om-
nibus terris de quibus antecessores Sui ante-
cessorum nostrorum liggi homines fuerant
et nobis atq; heredibus nostris fidelitatem
Iuravit Ut autem ratum et firmum sit
illud et perpetuum presenti Carta et
figillo nostro id roboravimus Test. Bal-
dewino Cantuar et Waltero Rothomag.

[D]

et

Appendix Numb. 9.

et J. Dublinen Archiepiscopus et Hugone Dunelmen. Hugone Linolnien Godefrido Wintonien Huberto Parisberien. Reginaldo Bathonien Episcopus et domino Johanne fratre nostro R. Comite Leicestrie H. Comite de Waren. H. Bardol steph. de Longo Campo Dapifero nostro et alijs multis quinto die Decembris dat. per manum W. Elyen. Electi Cancellarij nostri apud Cantuar. Regni nostri anno primo.

Sigillum integrum pendet de serico filis aureis et argenteis intertexto.

Copy of the Renunciation by Edward the third King of England of all Claim of Homage from Scotland.

Taken from two MSS. in the Library of the Honourable Faculty of Advocats, the one entitled Tractatus Scotici, and the other Extracta de Chronicis Scotiæ.

Numb. IX.

UNIVERSIS Christi fidelibus presentes literas inspecturis *Edwardus Dei Gratia Rex Anglie Dominus Hibernie et Dux Aquitanie* Salutem et pacem in Domino Sempiternam cum

Appendix Numb. 9.

nos nonnullique Predecessores nostri re-
ges *Anglie* jura Domini seu superiorita-
tis Regni *Scotie* conati fuerimus obtine-
re Ob hocque motarum dira guerrarum
discrimina *Anglie* & *Scotie* Regna diu-
tius afflixissent Nos attendentes cedes
occisiones, scelera Ecclesiarum destruc-
tiones & mala innumerabilia que hu-
jusmodi occasione Guerrarum regnico-
lis utriusque Regni contingebant Bona-
que quibus Regnum utrumque mutuis
compendiis habundaret perpetue pa-
cis stabilitate connexum ac per hoc
conatus noxios rebellare vel repugna-
re valentium interius vel exterius ma-
jori firmitate securum Volumus et con-
cedimus per presentes pro nobis
et heredibus et successoribus nostris
quibuscunque de communi consilio as-
sensu et consensu Prelatorum et proce-
rum Comitum et Baronum ac comita-
tuum Regni nostri in Parlamento no-
stro quod Regnum *Scotie* per suas
rectas Marchias pro ut temporibus
bone memorie *Alexandri* Regis *Scotie*
ultimo defuncti fuerunt habite et con-
servate Magnifico Principi Domino
Roberto Dei gratia Regi *Scotorum* il-
lustri Confederato et amico nostro ca-
rissimo suisque heredibus et successoribus
divisim, in omnibus a Regno *An-*

Appendix Numb. 9.

glie integrum liberum et quietum remaneat in perpetuum absque quacunque subiectione servitute Clameo et Demanda Et si quod jus nos vel Antecessores nostri in regno *Scotie* retroactis temporibus petierimus vel petierint quoquo-modo prefato Regi *Scotie* heredibus et successoribus suis Renunciamus et Dimittimus per presentes omnes autem Obligationes conventiones aut pacta initas vel inita qualitercunque cum nostris predecessoribus quibuscunque temporibus super subiectione Regni *Scotie* et incolarum ejusdem per quoscunque Reges vel incolas Clericos vel laicos ipsius Regni *Scotie* Pro Nobis heredibus et successoribus nostris remittimus penitus et omnino Et si que litere vel carte instrumenta vel munimenta inveniantur decetero ubicunque super ejusmodi Obligationibus conventionibus et pactis confecta vel confecta pro Cassis irritis inanibus et vacuis habeantur nulliusque volumus esse valoris vel momenti Et ad premissa omnia et singula plene pacifice et fideliter perpetuis temporibus observanda dilectis et fidelibus nostris *Henrico* de *Perci* Consanguineo nostro et *Willelmo* de la *Zouch* de *Asheby* ac eorum alteri ad Sacramentum in animam

Appendix Numb. 9.

nam nostram inde prestandum per alias literas nostras patentes plenariam dedimus potestatem & mandatum speciale In cujus Rei Testimonium, &c.

Copy of a Proclamation by QUEEN ELISABETH, declaring the untrueth of certaine malicious Reportes Devised and Published in the Realme of Scotlande.

Taken from a Copy Printed by Richard Jugge and John Cawood Printers to this Queen.

Numb. X.

THE Queenes Majestie of this Realme of *Englande*, understanding that there are Published sundry matters lately in *Scotlande*, contrary to all trueth and meaning of the sayde Queene, as it appeareth maliciously devised to blemishe the Honour and Sinceritie of Her Majesty; and to bring Therle of *Murrey* in hatred with his owne Friendes beyng native good *Scottishe* Men: Hath thought it good to let it be openly notified to all Persons, both *Englishe* and *Scottishe* that are disposed to heare the Trueth, that howsoever it be sayde or Written by any Person of what State soever the same be, that any secrete Practise
hath

Appendix Numb. 9.

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hath

Appendix Numb. 10.

hath been made betwixt Her Majesty
and Therle of *Murrey*, whereby it should
be convented and accorded, that the
Queene of *Scottes* Sonne should be de-
livered into Her Majesties handes, to be
nourished in *Englande* as she should
thinke good, and that the Castels of
Edinburgh and *Stryveling* should be in
Englishe Mens keeping, and that the
Castell of *Dumbretton* should be besieged
and taken, and rendred to Her Majesties
behove, and that Therle of *Murrey*
should be declared legittime to Succeede
to the Crowne of *Scotlande*, after the
Decease of the Young Prince or Kinge
without Barnees, and in that case
Therle of *Murrey* should acknowledge
to holde the Realme of *Scotlande* in fee
of Her Majestie as Queene of *Englande* :
Her Majestie as she is, and by GODS
Grace intendeth during her Lyfe, to
be a Prince of Honour, and a main-
tayner of Trueth, doth in the word
of a Queene, Let all Persons to know
that all and every these foresayde
thinges above-specified, are altogether
false and untrue, and are devised by
Persons of mere Malice and Rancour,
beyng disposed to nourishe Factions
and Discordes, and hating the good
Quietness and Concorde betwixt
the

Appendix Numb. 10.

the two Realmes of *Englande* and *Scotlande*. For this Her Majestie likewise assureth all Persons, that as of these untruethes and fallhoods, there was never convention nor accorde betwixt her Majestie and the saide Earle, nor betwixt him & any of her Ministers to her Majesties knowledge: So was there not at all any convention or pact, eyther by worde or wrytyng made betwixt her and the sayde Earle, for any thing, since his last coming into this Realme, although it is true that some motions have ben made, as well by Therle of *Lennox* & the Lady his Wyfe, beyng, as it is known, Parents to the late Murthered Father of the Prince, as by others, that if hereafter it shoulde be seene that the sayde Prince could not continue in safetie in *Scotlande* from thattemptes of the Murtherers of his Father, and other his mortall enemies, that then he might be nourished in *Englande* under the Custodie of such as now have the charge of hym, and are knownen to have most tender care of hym. But hereof there was never any manner of Convention or accorde, neither yet was there heard by her Majestie any worde of the Earle of *Murrey* or of any in his Company, to allowe of any removing of the same Prince out of
Scotlande,

Appendix Numb. 10.

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and Therle of *Murrey*, whereby it should
be convented and accorded, that the
Queene of *Scottes* Sonne should be de-
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nourished in *Englande* as she should
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Edinburgh and *Stryveling* should be in
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tayner of Trueth, doth in the word
of a Queene, Let all Persons to know
that all and every these foresayde
thinges above-specified, are altogether
falshe and untrue, and are devised by
Persons of mere Malice and Rancour,
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Appendix Numb. 10.

Scotlande, or out of the charge of them that now have the custodie of hym And likewise her Majestie assureth all manner of Persons, that she esteemeth all other Reportes false, that are sayd also to be made of any League and Intelligence betwixt the Earle of *Murrey* and the Earle of *Hertforde*, with other such like improbable false Devises and Slanders. All whiche her Majestie woulde have to be of all honest Persons both *Englishe* and *Scottishe* that love trueth and hate falshood, to be esteemed for false, and to have ben sediciously and maliciously invented, devised and published. Finally, this her Majesty willet all persons to understande, that in this case betweene the Queene of Scottes and her Sonne, there hath lacked no good meaning, nor yet doth to have had the same well ended withquietness for the whole Nation of Scotlande, and *without any Prejudice to the Crowne of Scotlande, or to the Dignitie thereof* : The let and Impediment of whiche good ende her Majestie woulde all persons to understande, not to have come of her or her Counsell, as hereafter shall more manifestly appeare.

Gyven at *Hampton Court* the xxii of *January* 1568 the x yeare of her Majesties Reigne.

Copy of a **LETTER**
from the Nobility
and Community of
SCOTLAND, *to*
the Pope, asserting
the Independency
of that Kingdom.

Taken from an Original, there being one
sent to the *Pope*, and another preserv-
ed as an Evidence of Our Liberty.

Numb. XI.

SANCTISSIMO Patri in Christo
ac Domino Domino Johanni
divina providencia Sacrosancte Ro-
mane et Universalis Ecclesie Summo
Pontifici Filii sui humiles et Devoti
[E] DUN-

Appendix Numb. II.

DUNCANUS COMES de FYF THOMAS
RANULPHI COMES MORAVIE DOMINUS
MANNIE et VALLIS ANANDIE PATRICI-
US de DUMBAR COMES MARCHIE MALI-
SIUS COMES de STRATHERYNE MALCOL-
MUS COMES de LEVENAX WILLELMUS
COMES de ROSS MAGNUS COMES CATHA-
NIE et ORCADIE et WILLELMUS COMES
SUTHERLANDIE WALTERUS SENESCAL-
US SCOTIE WILLELMUS de SOULES BUT-
TELARIUS SCOTIE JACOBUS DOMINUS
de DUGLAS ROGERUS de MOUBRAY DA-
VID DOMINUS de BRECHYN DAVID de
GRAHAM INGERAMUS de UMFRAVILLA
JOHANNES de MENETETH CUSTOS CO-
MITATUS de MENETETH ALEXANDER
FRAZER GILBERTUS de HAYA CONSTA-
BULARIUS SCOTIE ROBERTUS de KETH
MARESCALLUS SCOTIE HENRICUS de
SANGTO CLARO JOHANNES de GRAHAM
DAVID de LINDESAY WILLELMUS OLI-
FAUNT PATRICIUS de GRAHAM JO-
HANNES de FENTON WILLELMUS de A-
BIRNITHY DAVID de WEMYS WILLEL-
MUS de MONTE FIXO FERGUSIUS de AR-
DROSSANE EUTSTACHIUS de MAXWELL
WILLELMUS de RAMESAY WILLELMUS
de MONTE ALTO ALANUS de MORAVIA
DOVENALDUS CAMBELL JOHANNES CAM-
BRQUN REGINALDUS de CHEN ALEXAN-
DER de SETON ANDREAS de LESCELYN
et ALEXANDER de STATOUN CETERIQUE
BARONES et LIBERE TENENTES AC
TOTA COMMUNITAS REGNI SCOTIE
Om-

Appendix Numb. II.

Omnimodam reverenciam filialem cum devotis pedum osculis Beatorum Scimus Sanctissime Pater et Domine et ex antiquorum gestis et libris Colligimus quod inter ceteras Nationes egregias nostra scilicet *Scottorum Nacio* multis preconiiis fuerit insignita que de *majori Schithia* per mare *Tirenium* et Columnas Herculis transiens et in *Hispania* inter ferocissimos per multa temporum curricula residens a nullis quantumcunq; Barbaricis poterat allicubi subjugari Indeque veniens post mille et ducentos annos a transitu populi Israelitici sibi sedes in occidente quas nunc optinet expulsis *Britonibus* et *Pictis* omnino deletis licet per *Normagienses Dacos* et *Anglicos* sepius impugnata fuerit multis sibi victoriis et laboribus quam plurimis adquisivit ipsaque ab omni servitute liberas ut priscorum testantur Historie semper tenuit In quorum regno centum et tres decim Reges de ipsorum regali prosapia nullo alienigena interveniente Regnaverunt Quorum Nobilitates et merita licet ex aliis non clarentur satis patenter effulgent ex eo quod Rex Regum et Dominus JESUS CHRISTUS post passionem et Resurrectionem suam ipsos in ultimis terre finibus constitu-

Appendix Numb. II.

tos quasi primos ad suam fidem sancti-
ssimam convocavit Nec eos per quem
libet in dicta fide confirmari voluit sed
per suum primum *Apostolum* quamvis
ordine secundum vel tertium scilicet
Andream Mitissimum *Beati Petri* Ger-
manum quem semper ipsis preesse vo-
luit ut *Patronum* Hec autem sanctissimi
Patres et predecessores vestri sollicita
mente pensantes ipsum Regnum et
populum ut *Beati Petri* Germani pecu-
lium multis favoribus et privilegiis
quam plurimis munierunt Itaq; Gens
nostra sub ipsorum protectione libera
hactenus deguit et quieta donec ille
princeps magnificus *Rex Anglorum* *Ed-
wardus* pater istius qui nunc est Regnum
nostrum *Acephalum* populumq; nullius
mali aut doli conscium nec bellis aut
insultibus tunc assuetum sub amici et
confederati specie Inimicabiliter in-
festavit *Cujus injurias cedes et violentias
predationes incendia Prelatorum incarcer-
ationes Monasteriorum combustiones relig-
iosorum spoliationes et occisiones alia quoq;
enormia que in dicto populo exercuit nulli
parcens etati aut sexui Religioni aut or-
dini nullus scriberet nec ad plenum in-
telligeret nisi quem experientia infor-
maret A quibus malis innumeris ipso
jauante qui post vulnera medetur et Sa-
nat*

Appendix Numb. II.

nat liberati sumus per strenuissimum principem Regem et Dominum nostrum Robertum qui pro populo et hereditate suis de manibus inimicorum liberandis quasi alter Machabens aut Josue labores et tedia inedia et pericula leto sustinuit animo Quem etiam divina dispositio et juxta leges et consuetudines nostras quas usq; ad mortem sustinere volumus Iuris Successio et debitus nostrorum omnium consensus et assensus nostrum fecerunt principem atque Regem Cui tanquam illi per quem salus in populo facto est pro nostra **LIBERTATE TUENDA** tam jure quam meritis tene-mur et volumus in omnibus adherere **QUEM SI AB INCEPTIS DESISTERET REGI ANGLORUM AUT ANGLICIS NOS AUT REGNUM NOSTRUM VOLENS SUBJICERE TANQUAM INIMICUM NOSTRUM ET SUI NOSTRIQUE JURIS SUB-VERSOREM STATIM EXPELLERE NITEREMUR ET ALIUM REGEM NOSTRUM QUI AD DEFENSIONEM NOSTRAM SUFFICERET FACEREMUS QUIA QUAMDIU CENTUM VIVI REMAN-SERINT NUNCQUAM ANGLO-RUM DOMINIO ALIQUATENUS VOLUMUS**

* Sed.

VOLUMUS SUBJUGARI Non enim propter gloriam divicias aut honores pugnamus set * propter LIBERTATEM solummodo quam nemo bonus nisi simul cum vita amittit Hinc est Reverende Pater et Domine quod sanctitatem vestram omni precum instantia genuflexis cordibus exoramus quatenus sincero corde menteque pia recensentes quod apud eum cujus vices in terris geritis non sit pondus et pondus nec distinctio *Judei et Greci Scoti* aut *Anglici* tribulationes et Angustias nobis et Ecclesie Dei illatas ab *Anglicis* paternis oculis intuentes *Regem Anglorum* cui sufficere debet quod possidet cum olim *Anglia* septem aut pluribus solebat sufficere Regibus monere et exhortari dignemini Ut nos *Scotos* in exili degentes Scocia ultra quam habitatio non est nichilque nisi nostrum cupientes in pace dimittat Cui pro nostra procuranda quiete quicquid possumus ad statum nostrum respectu habito facere volumus cum effectu Vestra enim interest sancte Pater hoc facere qui paganorum feritatem Christianorum culpis exigentibus in Christianos sevientem aspicitis et Christianorum terminos arcari indies quantumque vestre sanctitatis memorie derogat Si quod absit Ecclesia

Appendix Numb. II.

Ecclesia in aliqua sui parte vestristem-
poribus paciatur Ecclipsin aut scanda-
lum vos videritis Excitet igitur Chri-
anos Principes qui non causam ut cau-
sam ponentes se fingunt in subsidium
terre sancte propter guerras quas ha-
bent cum proximis ire non posse Cujus
impedimenti causa est verior quod in
minoribus proximis debellandis utili-
tas propior et resistencia debilior es-
timantur Set * quam leto corde dictus * *Sed.*
Dominus Rex poster et nos si Rex An-
glorum nos in pace dmitteret illic ir-
emus Qui nihil ignorat satis novit
Quod Christi Vicario totique Christi-
anitati ostendimus et testamur quibus
si sanctitas vestra *Anglorum* relatibus
nimis credula fidem sinceram non ad-
hibet aut ipsis in nostram confusionem
favere non desinat Corporum excidia
animarum excidia et cetera que sequen-
tur incomoda que ipsi in nobis et nos
in ipsis fecerimus Vobis ab altissimo
credimus inputanda Ex quo sumus et
erimus in hiis que tenemur tanquam
obediencie filii vobis tanquam ipsius
Vicario in omnibus complacere ipsi-
que tanquam summo Regi et judici
causam nostram tuendam committi-
mus Cogitatum nostrum Jactantes in
ipso sperantesque firmiter quod in no-
bis

Appendix Numb. II.

his virtutem faciet et ad nichilum rediget hostes nostros Sanctitatem et sanitatem vestram conservet altissimus Ecclesie sue sancte Per tempora diuturna Datum apud Monasterium de Abirbrothoc in Scotia Sexto die Aprilis anno Gracie millesimo trescentesimo vicesimo Anno vero Regni Regis nostri supradicti quintodecimo.

To this Letter the Seals, of the Noble and worthy Persons before-named, and of several other worthy Patriots are appended, and upon the Labels or Tags are their names written: Many of these Seals are yet entire, and vestiges remain of the rest.

*Copy of a Manifesto
by the Clergy of
Scotland, Concer-
ning the Liber-
ties of the Kingdom,
and Shewing any
Deeds in the con-
trair to have been
extorted by Force,
Violence &c.*

Taken from the Original.

Numb. XII.

OMNIBUS Christi fidelibus ad
quorum noticiam presens Scrip-
tum pervenerit EPISCOPI ABBATES
PRIORESAC CETERI DE CLERO
[F] IN

IN REGNO SCOCIE CONSTITU-
TI Salutem in salutis auctore Noverit
universitas vestra quod cum inter
Dominum Johannem de Balliolo dudum
Regem Scocie per Regem Anglie de facto
promotum et recolende memorie quon-
dam *Dominum Robertum de Brus avum*
Domini Roberti Regis qui nunc est Orta
fuisset materia questionis quis eorum
videlicet proximior esset Jure sanguinis
ad hereditandum et Regnandum super
populum *Scoticorum* Fidelis populus
sine dubitatione semper tenuit prout
a suis antecessoribus et majoribus in-
tellexerat et credidit verum esse quod
dictus *Dominus Robertus avus* post mor-
tem *Regis Alexandri* ejusq; Neptis filie
Regis Normagie verus heres extitit et
cunctis aliis ad Regni regimen prefer-
endus licet humani generis inimico
zizaniam seminante diversis machin-
ationibus emulorum et Cautelis quas
per singula longum esset enarrare in
contrarium res sit versa Pro cujus ever-
sione et carencia Regie dignitatis dam-
pna gravia regno Scocie et ejus incolis
ex tunc evenerunt pro ut facti expe-
riencia rerum Magistra haftenus sepe
repetita manifeste declaravit Videntes
igitur *populus et plebs* predicti Regni
Scocie multorum tribulationum aculeis
fatigati

Appendix Numb. 12.

fatigati dictum Dominum Johannem
per Regem Anglie pro diversis causis cap-
tum incarceratum Regno et populo priva-
tum ac Regnum Scocie per ipsum prodi-
tum et in servitutem redactum ingenti
populacione vastatum crebri doloris a-
cerbitate respersum pro defectu recti regim-
inis desolatum omni periculo expositum
et occupanti concessum populumq; bonis
spoliatum bellis Cruciatum captivatum
vinculatum et incarceratum stragibus im-
mensis innocentium ac continuis incendiis
oppressum subiectum et mancipatum ac
perpetue ruine proximum Nisi divino
consilio circa Regni sic deformati ac
desolati reparationem et ejus Regimen
celerius tractaretur Summi Regis pru-
dencia sub cujus imperio Reges Reg-
nant et principes Dominantur tot et
tanta Dampna gravia morte amariora
rerum et corporum sepe contingencia
pro defectu capitanei et fidelis ducis
diucius ferre non valentes in dictum
Dominum Robertum Regem qui nunc est
in quem jura Patris aviq; sui ad predic-
tum Regnum Judicio populi adhuc resi-
dent et Vigent incorrupta auctore Domino
convenerunt Ac de consciencia et consensu
eorundum assumptus est in Regem ut Reg-
ni deformatata reformet corrigendaq; cor-
rigat et dirigat indirecta Et ipsorum aucto-

Appendix Numb. 12.

ritate Regno prefectus Rex Scottorum so-
lempniter est effectus Cum quo fidelis po-
pus Regni vivere vult et mori tanquam
cum illo qui jure sanguinis et aliis virtuti-
bis Cardinalibus peditus aptus est ad
regnandum ac dignus Regis nomine et
honore Regni qui salvatoris gracia in-
juriam propulsando Regnum sic de-
formatum et perditum gladio repara-
vit Prout multi retro-principes et Scot-
torum Reges dictum Regnum olim sepe
perditum per gladium reparaverant
quesierant et tenuerant temporibus re-
troactis Ut in antiquis Scottorum gestis
magnificis plenius continetur Ac fudo-
res bellici Pictorum contra Britones ac
Scottorum contra Pictos de Regno fu-
gatos cum multis aliis antiquitus ense
fugatis victis et expulsis manifeste tes-
tantur, Et si aliquis ex adverso jus ven-
dicet in predictum Regnum per Literas in
preteritum sigillatas consensum populi et
plebis continentes Sciatis hoc totum de
facto processisse per VIM et VIOLEN-
TIAM quibus non poterat tunc resisti et
METUS multiplices CRUCIATUS
CORPORUM ac TERRORES varios
qui sensus perfectorum et animos avertere
poterant et cadere in constantes Nos igitur
Episcopi Abbates priores et ceteri de Cle-
ro pretaxati premissa veritate subnixa
scientes

Appendix Numb. 12.

scientes et corditer approbantes dicto Domino *Roberto Regi* nostro *Scottorum* illustri fidelitates debitas fecimus ac sibi et heredibus suis per Successores nostros in postremum fore faciendas Recognoscimus et tenore presencium Profitemur Et in signum testimonium et approbacionem omnium predictorum non vi compulsi nec dolo inducti aut errore lapsi sed pura et perpetua ac voluntate spontanea huic Scripto sigilla nostra fecimus apponi *Datum in concilio generali Scotticano* in ecclesia Fratrum minorum de *Donde* xxiiij die Mensis Februarij anno Domini Millesimo trescentesimo nono celebrato et anno Regni ejusdem quarto.

The Seals appended to this Manifesto are broken, but some vestiges of them remain.

*The LETTER from the NOBILITY
and Community of SCOTLAND
to the P O P E.*

Translated from the Latine.

Numb. XIII.

TO the Most Holy Father in
Christ and Lord, *John* by the
Providence of GOD, Chief Bi-
shop of the Sacred Roman and Catho-
lick Church ; His humble and de-
vout Sons, *Duncan Earl of Fife, Tho-
mas Ranaulph Earl of Moray Lord
of Mann and Annandale, Patrick Dum-
bar Earl of March, Malis Earl of Stra-
thern, Malcolm Earl of Lennox, Wil-
liam Earl of Ross, Magnus Earl of
Cathness and Orkney, and William Earl
of Sutherland, Walter Stuart of Scot-
land, William Soules Butler of Scotland,
James Lord Douglass, Roger Moubray,
David Lord Brechen, David Graham,
Ingelram Umfravil, John Menteith Tu-
tor of the Earldom of Menteith, Alex-
ander*

Appendix Numb. 13.

ander Frazer, Gilbert Hay Constable of Scotland, Robert Keith Marshal of Scotland, Henry Sinclair, John Graham, David Lindsay, William Olifant, Patrick Graham, John Fenton, William Abernethy, David Weyms, William Muschet, Fergus of Ardrrossin, Eustach Maxwell, William Ramsay, William Mowat, Allan Moray, Donald Campbell, John Cameron, Ronald Chein, Alexander Seton, Andrew Lesly and Alexander Straton, and the remnant Barons, Freeholders, and whole Community of the Kingdom of SCOTLAND: Sendeth all dutiful Reverence, devoutly Kissing his Holiness's blessed Feet.

MOST Holy Father and Lord, we know and have gathered from the Acts and Books of the Ancients; That among other great Nations, our Nation of Scots, was recorded with many Praises, which from the Greater Scythia passing the Tirenian Sea, and the Pillars of Hercules, and for a long time residing in Spain, among very fierce people, They could no where be subdued by any how Barbarous soever, and coming thence about twelve hundred years after the out-going of the people of Israel, they purchast by many Victories and much Toil, these

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Ter-

Appendix Numb. 13.

Territories in the West, which they now possess, having expelled the *Britons*, and destroyed the *Picts*; albeit frequently attack't by the *Norwegians*, *Danes* and *English*, and alwise maintained their possessions, *free of all Servitude*, as the Histories of old Times testify: In their Kingdom, one hundred and thirteen Kings of their Royal progeny, reign'd without the Intervention of an Alien; whose Illustrious Descents and Exploits, tho' they were not otherwise Apparent, yet are abundantly conspicuous from this, That the *King of Kings*, and *Lord Jesus Christ*, after his Passion and Resurrection, called them, living in the outmost parts of the Earth, First, to his most holy Faith; Nor wou'd he have them confirm'd, by any in this Faith, but by his first Apostle, altho' second or third in order, to wit, the most meek *Andrew* the Brother of *St. Peter*, whom our Saviour wou'd have to be alwise their *Patron*.

THE most Holy Fathers, your Predecessors, being with great Concern perswaded of these Things, did bestow upon this Kingdom and People, as the Flock of the Brother of *Saint Peter*, many favours and privileged

Appendix Numb. 13.

ledges: Thus our Nation hath hitherto under their protection continued *Free and undisturbed*; until the Magnificent King of *England Edward*, the Father of the present King, did under the pretence of a *Friend and Allie*, invade our Kingdom in a Hostile manner when it wanted a Head, and a People conscious to themselves of no guilt or guile, nor then accustomed to quarrels and *Insults*.

THIS Prince's *injuries, Slaughters, Violencies, Depredations, Burnings, Imprisonments of Bishops, setting in fire of Monasteries, Plundering and Murdering of Persons in religious orders; and other outrages*, which he exercised upon that People, without the least regard to *Age, Sex, Religion or Orders*; None can expresse, nor fully understand, but such as experience has taught.

FROM these innumerable evils, by the assistance of him, *who binds up and heals the wounded*, are we delivered by our very valiant Prince, King and Lord, *Robert*, who in delivering his people and Inheritance out of the hands of their Enemies as an other *Maccabee or Joshua*, chearfully underwent Troubles, Toils, Hardships and Dangers; *Whom also Divine Providence*

Appendix Numb. 13.

and the right of Succession, according to our Laws and Customs which we will maintain to the utmost, and the due consent and assent of us all, have made Our Prince and King : To him, as the Deliverer of the People, by preserving our Liberties, we are bound to adhere, as well upon the account of his Right, as by reason of his Merit, and to him we will adhere : But if he desert from what he has begun, and shew any Inclination to subject us or our Kingdom, To the Kingdom of England or to the English, WE will use our utmost Endeavour to expel him immediately as our Enemy, and the Subverter of his own and of our Right ; and we will make another our King, who is able to defend us : For so long as an hundred Scots-men remain alive, we will never be subjected any manner of way to the Dominion of England.

IT is not for Glory, Riches and Honours we fight ; but only for LIBERTY, which no good man loseth but with his Life.

WHEREFORE, Reverend Father and Lord, we with the greatest earnestness and Humility beseech you ; That with a sincere and pious Disposition, considering, that with Him, whose

Appendix Numb. 13.

whose Vicegerent you are in Earth, there is no respect of Persons, nor Distinction of *Jew*, and *Greek*, of *Scot* and *English*, and looking with a Fatherly Eye, upon the Straits and Difficulties brought upon us & the Church of GOD by the *English*, Your Holiness wou'd be pleas'd to admonish the King of *England*, (who should be content with what he possesses, for of old *England* used to suffice seven or moe Kings) That he may not disturb our Peace in this small Countrey, lying in the uttermost parts of the Earth, and desiring nothing but what is our own, since we are willing, in order to procure a peace ; to do most effectually, whatever may be consistent with the Constitution of our Government.

IT concerns you, Holy Father, to do this, who beholds the Cruelty of the Heathens, raging against the Christians, and the bounds of Christianity daily straitned, whereof the procuring Cause is the wickedness of Christians, and may perceive how much it derogats from the Memory of your Holiness; if (as GOD forbid) in your Time the Church in any part, should suffer an Eclipse, or be scandalized.

Appendix Numb. 13.

MAY therefore your Holiness, be pleased, to Excite the Christian Princes, who fallily pretend that they cannot go to defend the Holy Land, by reason of the Wars, which they have with their Neighbours, when the true Cause of their Impediment is, that they reckon upon a surer advantage, and a weaker Resistance in vanquishing Neighbours of less power: But he who knows all things knows, how frankly our Lord the King, and we would go upon that expedition, if the King of *England* would not disturb us; which we proclaim and testifie to the vicegerent of Christ, and to all Christendom.

IF your Holiness giving too much Faith to the tales of the *English*, shall not sincerely believe these things, and shall not forebear to favour them in destroying of us; We are perswaded, that the Almighty will impute to you, the destruction of the Souls and Bodies, and the other Hostilities which the *English* shal commit upon us, & we upon them, since that we are and shall be, as in duty bound, obedient Sons in all things to you, as God's vicegerent: And to him as the great King and Judge, we committ the defence of our Cause, placing our confidence in him,
and

Appendix Numb. 13.

and firmly hoping, that he will perfect strength in us, and confound our Enemies.

MAY the Almighty long preserve your Holiness in health for the good of his Holy Church.

GIVEN at the Monasterie of *Aberbrothock* in *Scotland* the sixth day of *Aprile*, in the year of our Lord 1320, and of the Reign of our said King the 15th year.

The MANIFESTO or DECLARATION of the *Clergy* of *SCOTLAND*.

Translated from the Latine.

Numb. XIV.

TO all Good Christians to whose knowledge these presents shall come, *The Bishops, Abbots, Priors and the rest of the Clergy within the Kingdom of Scotland* Greeting: Be it known to you, That when there was a contraverſie between *Lord John Balliol* late King of *Scotland de facto* advanced by the King of *England*, and the Deceast *Lord Robert Bruce* of worthy memory, Grandfather of the present *King Robert*; which of them was nearest in Blood, to Inherite and Reign over the people of

Appendix Numb. 14.

of *Scotland*; The Loyal People without hesitation did always maintain, as they did understand from their Forefathers and Predecessors, and were firmly perswaded, that the said *Lord Robert* the Grandfather, was after the Decease of *King Alexander*, and of his Niece the Daughter of the King of *Norway* the true Heir; and should have been preferred to the Crown before all others. But the Enemy of Mankind sowing tears, and by sundry devices and contrivances of the Competitors, which are too long to rehearse: The Affair took another turn; And by the injury done to him, & his want of the Royal dignity, from that time heavy calamities beset the Kingdom of *Scotland* and its Inhabitants, as repeated experience the best Schoolmaster, hath already manifestly demonstrated.

WHEREFORE the people and Commonalty of the said Kingdom of *Scotland* harrafs'd with many stinging hardships, perceiving that the said *Lord John* was for sundry Causes made Captive by the King of *England*, Imprisoned, and deprived of the Kingdom and people, And that the Kingdom of *Scotland* was betrayed by him,
and

Appendix Numb. 14.

and brought into bondage, was destroyed by huge Devastations, watered by the bitterness of frequent Grievs, become desolate for want of good Government, exposed to all Dangers, and left as a Prey ; And that the people were spoiled of their Goods, and were by War tormented, captivated, put in Bonds, and imprisoned, and were oppressed, subjected, and enslaved, by horrid Butcheries of the Innocent, and by continual Burnings, and upon the very Brink of perpetual Ruine, unless by Divine Providence, some speedy Expedient had been found for repairing of a Kingdom so Defaced and Desolate, and restoring its Government.

By the Wisdom of the great King, by whom Kings Reign and Princes decree Judgment, when the People were not able longer to endure so many and so great heavy Afflictions, more bitter than Death it self, so frequently befalling them in their Persons and Goods, throw want of a faithful Captain and Leader, *The People by the favour of Heaven agreed upon the said Lord Robert now King, in whom the Right of his Father and Grand-father, to the fore-said Kingdom, by the Judgment of the People,*

Appendix Numb. 14.

People, doth yet remain and continue entire; And by the Knowledg and Consent of the said People and Commonalty, He is assumed to be King: That He may Reform what is Disorderly in the Kingdom, and that he may correct what's amiss, and that he may direct what's wanting: And being by their Authority advanced to the Crown, he is solemnly made King of Scotland: With whom all loyal people will live and die, as with one, who by the right of Blood, and other eminent Vertues, is fit to Reign and worthy the Name and Honour of a King, who by the Favour of God, being enabled to resist all wrong, did by his Sword Repair a Kingdom so much defaced and ruined, as many former Princes and Kings of Scotland in ancient Times had by their Sword, restored, the Kingdom when lost, gain'd back and maintain'd as is more fully to be seen in the ancient Records of the great Actions of the Scots, and the blood Wars of the Picts, against the Eritons, and of the Scots against the Picts, driven out of their Kingdom, with many others of old put to flight, vanquished and expell'd by War, do fully testifie.

IF on the other hand any shall claim Right to the said Kingdom, by any Deeds seal'd in former Times, containing the
Con-

Appendix Numb. 14.

*Consent of the People and Cammonalty ;
Be it known, That all these were only
Deeds extorted by FORCE and VIO-
LENCE, against which there could then
be no Resistance, and by many THREATS
of TORTURE and diverse other
TERROURS, which even might distract
the Spirits of the best of men, and befall
Persons of the most composed Mind.*

WHEREFORE we the aforesaid
Bishops, Abbots, Priors and Remnant
Clergy, knowing these things to be
confirm'd truths, and heartily approv-
ing them, have made our Fealties to
the said Lord Robert our illustrious
King, and we hereby acknowledg
and profess, that the like is due here-
after by our Successors, to him and his
Heirs : And in sign, testimony and ap-
probation of all and sundry the Pre-
misses, we being neither compelled,
seduced, nor misled ; but freely of
our own accord have hereto set our
Seals.

GIVEN in a General National
Council of Scotland, holden in the
Church of the Minorites of Dundee,
the 24 of February 1309, and of our
Kings Reign the fourth year.

[H]

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Appendix Numb. 14.

BESIDE this Declaration, there was another anterior to it, by the Bishops of Scotland, to the same effect, and almost in the same words; wherein the Bishops Names are ingroft, being in Number 12 and are as follows: William Lamerton Bishop of St. Andrews, Robert Wishart Bishop of Glasgow, William Bishop of Dunkeld, Henry Chene Bishop of Aberdeen, David Murray Bishop of Murray, Nicholas Balmyle Bishop of Dunblane, Thomas Dundee Bishop of Ross, Ferchard Beleganube Bishop of Caithness, John Kynninmouth Bishop of Brechin, Andrew Bishop of Argyle, Thomas Bishop of Galloway, and Alan Bishop of the Isles.

Copy

Appendix Numb. XV.

Copy of a Deed by King Richard the first of England, To William King of Scotland, concerning the Liberties and Rights belonging to the King of Scotland, when he goes to the Court of England.

This deed and the other five Deeds following are Published by Mr. Rymer the Historiographer of England, in his Collection of Treaties, &c. and are taken from the Originals or Records.

From the Original.

Numb. XV.

RICHARDUS Dei gratia Rex Anglie Dux Normannie et Aquitanie Comes Andegavie Archiepiscopis Abbatibus Comitibus Baronibus Justiciariis Vicecomitibus Senescallis Prepositis Ballivis et omnibus ministris et fidelibus suis——salutem Noverit universitas vestra nos concessisse Et presenti Carta nostra confirmasse *Willelmo Illustri Regi Scotie Karissimo Amico et fidei nostro et Heredibus suis in perpetuum de nobis et Heredibus nostris omnes liberates et rectitudines quas antecessores sui habere solebant eundo ad curiam Antecessorum nostrorum Scilicet unaquoque die postquam de mandato nostro transierit fines Regni sui versus Curiam nostram Centum solidos*

Appendix Numb. 15.

lidos Sterlingorum et in reditu Suo a Curia nostra singulis diebus tantundem quousque in terram suam venit singulis diebus ex quo venit ad Curiam nostram usque ad recessum suum versus terram suam tringinta solidos Sterlingorum et Duodecim de Dominicis Gualtallis nostris et totidem de simenellis nostris Dominicis et Duodecim Sextertia vini quatuor videlicet de Dominico vino nostro unde nobis servitur et octo sextertia de vino unde domui nostre servitur et duas petras cere vel quatuor cereos et quadraginta Candelas de Dominicis Candelis unde nobis servitur et quaterviginti Candelas de Candelis unde Domui nostre servitur Duas libras piperis et quatuor libras Cinimi Et preterea conductus quos *Antecessores sui* habere solebant eundo usque ad Curiam nostram et redeundo a Curia nostra scilicet quod *Episcopus Dunelmensis* et *Vicecomes et Barones Northumbrorum* ad ipsum venient et in finibus Regni sui reciperent et conducerint usque ad *Teise* et ibi veniat ad eum *Archiepiscopus Eborum* et *Vicecomes et Barones Eborum* et ibi eum reciperent et conducerint usque ad *Episcopatum Lincoln.* Et ibi ad eum venient *Episcopus Lincoln* et *Vicecomes et Barones* sumant et eum recipient et per Ballivas *Vicecom. Provin-*
ciarum

Appendix Numh. 15.

ciarum per quas ipse tranſiet quouſque ad Curiam noſtram venerit Quare volumus et firmiter precipimus quod prefatus *Willelmus Rex* et Heredes ſui omnia preſcripta habeant de nobis et Heredibus noſtris in perpetuum Et in fugitivis qui de feloniam ſe defendere voluerint ad Curiam noſtram in pace ſua ducendis et in omnibus aliis ſine aliqua diminutione firmiter precipientes ut prefati Epifcopi et Vicecomites et Barones ei predictos conductus facient et omnes alias *reſtitutiones* et *libertates* ſuas conſervant et ut Vicecomites predicti in Balliis ſuis preſcriptas expenſas in eundo ad Curiam noſtram et redeundo a Curia noſtra plenarie inveni-
ant donec in terram ſuam venerit.

TESTIBUS hiis H. Cantuarien. Archiepiſcopo H. Dunelm. R. Londonens. H. Lincoln. S. Saresb. H. Wigorn. Epifcopis R. Comite Ceſtrie H. Comite de Waren. R. Comite de Clare R. Bigot Comite Norf. Comite David. W. Comite de Ferrariis W. Mareſcallo W. de Stutevil Eufiach de Veſey Gaufr. filio Petri Hugone Bard W. Bruver et multis aliis Dat. per manum W. Eliens. Epifcopi Cancellarii noſtri apud Winton 17 die Aprilis Anno quinto Regni noſtri

*Sigillum integrum ſed
diuulſum.*

Copy

Appendix Numb. 16.

*Copy of a Publication of the Intention
of King Henry the third of England,
wherein he declares, he had no design
to Prejudge or Infringe the Liberties
of Scotland, but to his power to pre-
serve them.*

Taken from the Records.

Numb. XVI.

REX omnibus &c. Salutem Quia
quidam ut audivimus formi-
dant quod statum Regni Scotie seu e-
jusdem *Libertates* in aliquo proponi-
mus infirmare cum tamen potius ex
multiplici federe inter nos & Karissi-
mum filium nostrum Alexandrum il-
lustrem Regem Scotie contracto *hono-
rem suum & Regni sui libertates pro pos-
se nostro teneamur illesas in omnibus con-
servare* Universitati vestre presentibus
literis notum facimus et fideliter pro-
mittimus quod occasione eorum que
acta fuerunt apud Eborum tempore
Matrimonii contracti inter ipsum Re-
gem et Margaretam primogenitam fili-
am nostram Reginam Scotie sponsam
suam super statu Conciliariorum et Bal-
liorum

Appendix Numb. 16.

liorum dicti Regis nullum volumus e-
jusdem Regis et Regni sui libertatibus
prejudicium generari Promittimus si-
militer quod cum simus versus partes
Scotie appropinquantes ad videndum
ipsum Regem et Reginam sponsam
suam filiam nostram Karissimam juxta
magnum desiderium cordis nostri nihil
faciemus nec aliquid fieri per aliquos
permitteremus in hoc presenti adventu
nostro ad partes Boreales sive adventu
ipsius Regis ad nos per quod *ipsi Regi*
Regno suo vel suis libertatibus in aliquo
prejudicetur sed magis ex paterne dilec-
tionis vinculo quo ei astringimur ad sal-
vandam libertates et jura ipsius Regis
et Regni sui pro nostris viribus concil-
lium et auxilium efficax si opus fuerit
apponemus In cujus &c. Teste Rege
apud *novum Castrum* super *Tynam* vice-
simo quinto die Augusti.

Copy

*Copy of the Letters of Safe Conduct by
King Henry the third of England, to
the King and Queen of Scotland.*

Taken from the Records.

Numb. XVII.

REX omnibus &c. salutem Nov-
ritis nos dedisse et concessisse
Karissimo filio nostro *Alexandro* illustri
Regi *Scotie* et karissime filie nostre
Margarete Regine *Scotie* Sponse sue et
omnibus hominibus suis quos secum
ducere volent nostrum saluum et secu-
rum conductum veniendi ad nos apud
Werk et alibi in *Marchia* regnorum *An-*
glie et *Scotie* salvo morandi et salvo re-
deundi ad partes suas quo voluerint
Promisimus etiam eis fideliter quod
nec ipsi Rex et Regina nec aliquis ex
suis quos secum ducent infra Regnum
nostrum moram facient nisi de omni-
um magnatum *Scotie* voluntate nec a-
liquid faciemus aut permittemus per
quod dicto Regi aut Regno suo aut li-
bertatibus suis Regiis possit aliquid
pre-

Appendix Numb. 17

prejudicium generari Ad hec autem
predicta predicto Regi et omnibus suis
tales dedimus conductores scilicet di-
lectos fratres nostros *Galfridum de Le-*
zignan et *Willielmum de Valentia R.*
de *Clare* Comitem *Gloucestrie* et *Here-*
ford R. de *Bygod* Comitem *Norfolkie*
et *Marescallum Anglie* W. de *Fort.* Co-
mitem *Albemarl.* *Edmundum* de *Lacy*
Comitem de *Lincoln* et *J. Maunsel* pre-
positum *Beverlaci* Qui de voluntate et
de precepto nostro ipsum et omnes suos
salvo ad nos ducere et reducere ut pre-
dictum est manuceperunt Presentibus
post festum Sancti Michaelis anno Reg-
ni nostri tricesimo nono minime vali-
turi Teste Rege apud *Chinclingh.* quin-
to die *Septembris.*

*Copy of a Letter by the said King Henry,
To the King of Scotland, concerning
a Grant by the Pope.*

Taken from the Records.

Numb. XVIII.

REX omnibus &c Salutem Sciatis
quod cum Dominus Papa *Vicesi-*
mam Ecclesiasticorum beneficiorum
Regni Scotie nobis in subsidium Terre
Sancte ad presens per triennium con-
cesserit Nos concedimus dilecto et fi-

[I]

deli

*Copy of the Letters of Safe Conduct by
King Henry the third of England, to
the King and Queen of Scotland.*

Taken from the Records.

Numb. XVII.

REX omnibus &c. salutem Noveritis nos dedisse et concessisse Karissimo filio nostro *Alexandro* illustri Regi *Scotie* et karissime filie nostre *Margarete* Regine *Scotie* Sponse sue et omnibus hominibus suis quos secum ducere volent nostrum saluum et securum conductum veniendi ad nos apud *Werk* et alibi in *Marchia* regnorum *Anglie* et *Scotie* salvo morandi et salvo redeundi ad partes suas quo voluerint Promisimus etiam eis fideliter quod nec ipsi Rex et Regina nec aliquis ex suis quos secum ducent infra Regnum nostrum moram facient nisi de omnium magnatum *Scotie* voluntate nec aliquid faciemus aut permittemus per quod dicto Regi aut Regno suo aut libertatibus suis Regiis possit aliquid pre-

Appendix Numb. 17

prejudicium generari Ad hec autem
predicta predicto Regi et omnibus suis
tales dedimus conductores scilicet di-
lectos fratres nostros *Galfridum de Le-*
zignan et *Willielmum de Valentia R.*
de Clare Comitem *Gloucestrie* et *Here-*
ford R. de *Bygod* Comitem *Norfolkie*
et *Marescallum Anglie W. de Fort.* Co-
mitem *Albemarl.* *Edmundum de Lacy*
Comitem de *Lincoln* et *J. Maunsel* pre-
positum *Beverlaci* Qui de voluntate et
de precepto nostro ipsum et omnes suos
salvo ad nos ducere et reducere ut pre-
dictum est manuceperunt Presentibus
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mam Ecclesiasticorum beneficiorum
Regni Scotie nobis in subsidium Terre
Sancte ad presens per triennium con-
cesserit Nos concedimus dilecto et fi-

[I]

deli

Appendix Numb. 18.

deli nostro Alexandra Regi Scotie illustri quod occasione concessionis illius sibi vel heredibus suis nullum in posterum prejudicium generetur In cujus &c. Teste Rege apud Wodestoke decimo die Februarii.

Copy of a Deed by the said King Henry the third, Concerning the Queen of Scotland's being with Child and brought to bed in England.

Taken from the Records.

Numb. XIX.

REX Omnibus &c. Noveritis nos concessisse et bona fide promississe quod si contingat gratia spiritus Sancti cooperante filiam nostram carissimam *Reginam Scotie* venientem ad nos cum domino suo *Rege Scotie* illustri gravidam fore liceat Domino suo Regi libere predictam sponsam suam in Regnum suum reducere sine cujuslibet contradictionis obstaculo pro sue et conciliariorum suorum libito voluntatis Et si de voluntate dicti Regis et conciliariorum suorum contingat eandem

Appendix Num6. 19.

dem usque ad tempus pariendi ibidem moram contrahere Volumus quod ipsa cum sobole qualem Deus ordinaverit ad libitum et mandatum dicti Regis et Conciliariorum Regni Scotie *sine dilatione et contradictione cujuslibet salvo & Libere in Regnum Scotie redeat et secure* Et si contigat sobolem ipsam de voluntate dicti Regis patris sui in Regno Anglie ad tempus moram contrahere et infra illud tempus de ipso Rege et Patre suo aliquid humanitus contigerit vel finistrum quod absit *Volumus quod Magnates Regni Scotie ad voluntatem et mandatum suum ipsam sobolem libere habeant et reducant in regnum suum sine aliqua dilatione seu cujuslibet contradictione* Et ad hujus rei majorem securitatem corporali sacramento quod in animam nostram per dilectum militem nostrum *Willelmum de Latymer* prestari fecimus obligamus nos et heredes nostros ad observationem omnium predictorum In cujus &c. Teste Rege Apud Windefor 30 die Septembris.

Appendix Numb. 20.

Copy of a Deed by the same King of England to the like purpose: For observance of which this King and the King of the Romans, and several of the English Nobles give their Oaths.

Taken from the Records.

Numb. XX.

REX omnibus &c. Cum Dominus Alexander Rex Scotie dilectus et fidelis noster ad nostram et quorundam Magnatum nostrorum instantiam de mera sui voluntate nobis duxerit concedendum ut *Margareta* sponsa sua filia nostra carissima usque ad tempus pariendi nobiscum in *Anglia* et cum *Elianora sponsa nostra matre sua* posset commorari Concedimus ac promittimus bona fide quod cum spiritu sancto cooperante peperit liceat dicto Regi Domino suo post tempus Purificationis ipsius scilicet post quadraginta dies post partum suum vel saltim ad Pascha proximo sequens anno gratie Millesimo ducentesimo Sexagesimo primo dictam Reginam sponsam suam cum sua prole qualem bonorum omnium dispensator ordinaverit ad dicti Regis voluntatem et mandatum ad Regnum suum Scotie sine dilatione qualibet et difficultate

Appendix Numb. 20.

difficultate vel cujuscumque contradi-
ctionis obstaculo rehabere & quod ip-
sa cum prole per nuncios suos pro ipsis
destinandos ad ipsum Regem et Reg-
num suum salvo et libere redire valeat
et secure Et si dicta Regina filia nostra
humanitus interim quod absit conti-
gerit dicta prole superstiti liceat dicto
Regi ut predictum est ipsam prolem
rehabere pro sue libito voluntatisquan-
documque pro dicta prole quoscumque
voluerit duxerit destinandos Idem con-
cedentes de matre dicte prolis filie
nostre defuncta dicta prole quod jux-
ta dicti Regis voluntatem ad partes
Scotie ut supra dictum est libere pos-
sit remeare *Si vero dictus Rex Scotie pa-
ter dicte prolis interim quod absit in fata
decesserit vel eventus aliquis inopinatus
quod avertat altissimus de ipso contigerit
Volumus et fideliter promittimus quod
Magnates Regni sui scilicet venerabiles
Patres sancti Andree Abirdonensis Dum-
blanensis et Candide Case Episcopi Et M.
de F.A. Comyn de Buch. M. de Stratherne
P. de Dumbar. W. de Marr Comites
et J. Comyn. A. Senescallus Scotie A-
lanus hostiarius et Hugo de Abirnithie ba-
rones Vel quatuor aut tres eorum presentes
litteras secum deferentes predictam prolem
absque aliqua dilatione cavillatione diffi-
cultate*

Appendix Numb. 20.

cultate vel cujuscumque contradicitione salvo libere et secure ad Regnum Scotie secum habeant et adducant statu neutrius Regni scilicet Anglie et Scotie quantum in hoc considerato Et ad hujus rei majorem securitatem Corporali Sacramento quod dilectum nostrum et fidelem Robertum Wallerand Militem in animam nostram prestare fecimus Obligamus nos et heredes nostros ad observantiam omnium et singulorum predictorum et Dominum Ricardum Regem Romanorum semper Augustum Fratrem nostrum carissimum ad nostrum Petitionis instantiam per quendam suum Militem consimile prestare fecimus Sacramentum Et ad premissa firmiter observanda Ricardus Comes Glovernie Petrus de Sabaudia H. de Boun Comes Essex et Hertford H. Bygod et Joannes Mansell Thesaurarius Eborum corporale Sacramentum prestiterunt quod predicta non impedient set opem et diligentiam apponent quod ea firmiter observantur Idem per venerabilem Patrem Dominum G. miseratione divina Eborum Archiepiscopum Eduardum filium nostrum primogenitum Rogerum Comitem Norffolk et Marescallum Anglie R. de Quincy Comitem Winton I. de Baylol & H. Le dispenser justiciarium nostrum Anglie qui in confecti-
one

Appendix Numb. 21.

one presentium presentes non extiterunt fieri procurabimus In cujus &c.
Teste Rege Apud Westm. 16. die Novembris.

Copy of a Deed by William King of Scotland, To the monks of the Cistercian order, wherein the Ancient liberty of that Kingdom is asserted.

Taken from the Original.

Numb. XXI.

WILLELMUS Dei Gracia Rex
Scottorum Omnibus fidelibus
sancte Matris Ecclesie Filiis maxime
autem suis Episcopis Comitibus Baronibus Iusticiariis Vice-comitibus et
omnibus probis hominibus suis salutem Notum, sit vobis quod ego et totum
Regnum meum cum servituti Henrico quondam Regi Anglie esset
addictum succedenti in Regnum Ricardo filio suo oportuit me tam pro
me ipso et captione mea Redimenda quam pro toto Regno meo *pristine Libertati*
restituendo pecuniam persolvere Et quoniam Ordo Cisterciensis tam in
Regno meo quam ubique ab omni exactione merito liber esse dinoscatur
Ita

Appendix Numb. 21.

Ita ut nemini liceat servitutis exactionem imponere Volo ut sciatis quod ejusdem ordinis Domus in Regno meo constitute in illa mea tanta necessitate spontanea voluntate sua obnixe michi succurrerunt Et quidem vobis presentibus literis significo ne quod in tali eventu semel factum est *Qui nec prius evenit nec in posterum Deo miseranti futurus est* eis ullo modo in consuetudine vel servitute convertatur ut videlicet per quod ipsi pro Redimenda regni Libertate gratis fecerunt servitus eis imponatur Testibus Hugone Cancellario meo Comite Dunecano Ricardo de Morevilla Constabulario Ricardo Cumin Iusticiario Wilhelmo de Berclai Camerario Wilhelmo de Lindefeia Wilhelmo de Haia apud Lastalrig.

Copy of a Letter of the Governours of Scotland, To Edward the first King of England.

Taken from the English Records by Mr. Pryn.

Numb. XXII.

EXCELLENTISSIMO principi
Domino Edwardo Dei Gratia
Regi Anglie illustri Domino Hibernie
et

Appendix Numb. 22.

et Duci Aquitanie CUSTODES Regni
Scocie per Communitatem ejusdem
Regni salutem et continuum semper
Glorie et Honoris incrementum notum
vobis facimus per presentes quod cum
ad preces et instantiam vestram ad pre-
sentiam vestram venerabiles in Christo
patres W. et R. permissione divina
Sancti Andree et Glasguen Episcopos
Nobiles viros *Robertum de Brus* patrem
Dominum *Vall. Anan.* et *Johannem*
Comyn destinemus pro quibusdam re-
bus seu negotiis vobis per quosdam
solempnes Nuncios Domini Regis
Normag. illustris suggestis sicut per lite-
ras vestras nuper nobis missas didici-
mus Damus et concedimus predictis
destinatis potestatem et mandatum
tractandi cum dictis nunciis *Normag.*
coram vobis super rebus seu negotiis
vobis expositis per eosdem et ea que
erunt in vestra presentia ab utraque
parte concorditer ordinata affirmandi
Salvis tamen in omnibus et singulis et
per omnia *Libertate* et *Honore Regni*
Scocie Ratum et Gratum habituri quic-
quid per predictos destinatos in vestra
presentia tractatum fuerit et affirmatum
dummodo ex hoc Regno *Scocie* et ejus
incolis nullum imposterum prejudicium
generetur In cuius rei Testimonium

Appendix Numb. 23.

has literas patentes sigillo regimini
Regni *Scocie* deputato fecimus sigillari
Dat. apud Monasterium de *Melros* ter-
tio die Octobris Anno Gratie 1289,
&c.

*Copy of a part of the Letter of Edward
the first King of England, To the Pope
Concerning his Right and Title to the
Kingdom of Scotland.*

Numb. XXIII.

TO the most Holy Father in Christ
and Lord by Divine Provi-
dence, The Supreme Bishop of the
Holy Roman and Catholick Church ;
Edward by the Grace of God, King of
England, Lord of *Ireland*, and Duke
of *Aquitain*, devoutly Kissing your
Holy Feet. What is under-written we
transmit to be seen of you, not as in
Judgment, but altogether extrajudi-
cially, for informing of your Holiness
Conscience : The Almighty GOD
the Searcher of Hearts knows, that it
is written in indelible Characters up-
on our Memories, That our Predeces-
sors and Progenitors Kings of *England*
have by Right of Superiority and di-
rect

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rect Dominion, from most ancient Times, been Superiors of the Kings of *Scotland* in matters Temporal with it's Appurtenances, and did receive Liege Homage and Oaths of Fealty from them for *Scotland*, and from such of the Nobles of that Kingdom of *Scotland* as they pleased.

We in this manner continuing the Possession of the Right and Dominion, have received the same in our own Time, from the King and Nobles of *Scotland*: Yea, so great were the Prerogatives of their Power and Dominion over the Kings & Kingdom of *Scotland*, that they even bestowed it upon such as proved faithful unto them, and when they saw just reason De-thron'd them: and in their stead appointed others as Vice-gerents, which things were without doubt of old notorious, and are yet evident, tho' perhaps they have been grossly misrepresented to your Holiness by the Sons of Sedition and Rebellion, whose artificial and feign'd Tales, we beseech your Holiness, in your great Wisdom to despise.

IN the Days of *Ely* and *Samuel* the Prophet, there was a certain Famous and Valiant Man called *Brutus*, de-

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scended of the *Trojans*, who, after the Destruction of the City of *Troy*, did with many of the *Trojan* Nobility arrive at a certain *Island* then called *Albion* inhabited by *Gyants*, who being by their Might over-come and kill'd, he called this Countrey after his own Name *Britania*; and gave to his Companions the Name of *Britons*, and and Built a City which he called *Triunovantum*: now *London*: Thereafter he divided his Kingdom among his three Sons, to wit, to *Locrinus* the eldest, he gave that part of *Britain* which is now called *England*. To *Albanaſtus* his second Son he gave that part then called *Albion*, now *Scotland*. And to *Cambrus* his youngest he gave that part thereof, then called *Cambria*, now named *Wales*: with a Reservation to *Locrinus* the eldest of the Royal Dignity.

TWO years after the death of *Brutus*, a certain King of the *Hunns* named *Humber*, arrived in *Albany*, and killed *Albanaſtus* the Brother of *Locrinus*; which when *Locrinus* King of the *Britons* had heard, he pursued *Humber*, who in his Flight was drowned in a River, which from him is called

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called *Humber* : And so *Albany* returned to *Locrinus*.

LIKEWISE *Dunwall* King of the *Britons* killed *Staterius* King of *Scotland*, who had Rebelled against him and to him *Scotland* was Surrender'd.

SICKLIKE *Dunwall*'s two Sons *Belinus* and *Brennius* divided betwixt them their Fathers Kingdom, So that *Belinus* the eldest was possesst of the Crown of the Island together with *Britain*, *Wales* and *Cornwall*, and *Brennius* accepted of *Scotland*, to hold his Crown of him, since by a *Trojan* Custom it was provided, that the Dignity of Inheritance was the Prerogative of the eldest Son.

ALSO *Arthur* King of the *Britons*, a most famous Prince reduced *Scotland* that Rebell'd against him, and destroyed almost the whole Nation : He thereafter set up one named *Anguselus* as King of *Scotland*.

THEREAFTER when the said King *Arthur* made a Noble Feast at *Westchester*, there were present all the Kings who were subject to him ; amongst whom was *Anguselus* King of *Scotland* who, as his due Service for the Kingdom of *Scotland*, did carry King *Arthurs* Sword before him ; And all the
Kings

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Kings of *Scotland* have successively been subjected to the Kings of the *Britons*.

THE Kings of *England* having Succeeded to the *Britans* in this Isle, and by consequence having obtain'd the Monarchy and Dominion thereof; *Edward* called the Elder the Son of *Elured* King of *England* had in Submission and Subjection to him, the Kings of *Scotland*, *Cumberland* and *Streg-welsh* as their Superiour.

ATHELSTAN King of *England* made *Constantin* his Vassal, King of *Scotland*, saying, *there was more Glory in making a King than in being a King*. And it's Memorable, that the same *Athelstan*, by the intercession of *St. John of Beverley* sometime Arch-Bishop of *York*, did defeat the *Scots* that Rebelled against him. This King having with much devotion given thanks to GOD (*for the Victory*) he earnestly prayed to Him, That by the intercession of this *St. John*, he would be pleas'd to shew some visible sign, whereby the present and succeeding ages might know, that the *Scots* were by right subjected to the Kingdom of *England*: and perceiving some standing out rocks in *Scotland* at a place
near

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near *Dumbar*, he draws his Sword, and lets a drive at the *Flinty Rock*, and in it by the dint of his Sword (*GOD* assisting) he made a flap a full Ell length, * which bears the clear mark of it to this time: This is every week in praise and honour of this *St. John* repeated, as a miracle in the Church of *Beverley* out of the legend of that Saint, yea to this very day the remembrance of this thing is famous both in *England* and *Scotland*.

THE same *Constantin* King of *Scotland*, and *Eugenius* King of *Cumberland* being at variance, came to the afore-said *Athelstan* King of *England*, and surrendred themselves with their Kingdoms to him, for which *Athelstan* stood Good-father to *Constantin's* Son.

FARTHER the *Scots* when there was no War Subjected themselves to *Edred* King of *England*, and swore fealty to him as their Lord, who made one *Tric* their King.

AGAIN when *Edgar* King of *England*, caus'd *Kined* King of *Scotland*, and

* *Nota.* In the Instrument in the Tower of London publish'd by *Pryn* in his History of *Edward* the first page 496. It is said, That the *Flinty Rock* at that moment became penetrable and soft, as if it had been all *Butter* or soft *Gravel*.

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Malcolm King of Cumberland, Maccus King of the Isles, and five other Petty Princes, Donald, Syferth, Humal, Jacob and Inchil, row him over Dee: It is reported, he said, That his Successors might glory in his being King of England, when they enjoy'd so great prehemencies of Honour, as to have so many Kings under their Subjection, &c.

Copy of a Declaration of the Estates of Scotland, concerning the Settlement of the Crown in the days of King Robert Bruce.

Numb. XXIV.

IN Nomine Sancte et Individue Trinitatis Patris Filii et Spiritus Sancti Amen. Anno ab Incarnatione Domini Millesimo trecentesimo quinto decimo dominica proxima ante festum Sti. Jacobi Congregati Apud Air in Ecclesia parochiali ejusdem loci, Episcopi, Abbates priores, decani Archidiaconi & ceteri Ecclesiarum Prelati Comites barrones milites & ceteri de Communitate regni Scotie tam Clerici quam Laiici ad Consultandum & deliberandum & ordinandum super statu & defensione & perpetua securitate Regni Scotie
una-

Appendix Numb. 24.

unanimiter concordaverunt & ordina-
verunt In forma que sequitur, viz.

QUOD ipsi omnes & singuli tam
clerici quam laici Magnifico principi
& domino suo ligio Domino *Roberto*
Dei Gratia Regi Scottorum Illustri
nunc regnantis & heredibus suis mas-
culis de corpore suo legitime procre-
andis tanquam Regi suo & domino li-
gio contra omnes mortales parebunt
in omnibus fideliter & assistent.

ITEM ordinaverunt de consensu
Dicti Domini regis & Mariore filie
sue die presentis ordinationis heredis
sue apparentis quod si contingat quod
absit predictum Dominum Regem
Sine herede masculo De corpore suo
procreato superstitite & permanente
diem claudere extremum Nobilis vir.
Dominus *Eduardus de Bruce* Dicti Do-
mini regis Germanus tanquam vir
strenuus & in Actibus bellicis pro de-
fensione Juris & libertatis regni Sco-
tie quam plurimum expertus & he-
redes sui Masculi de Corpore suo le-
gitime procreandi ipsi domino Regi
in regno ipso succedant quibus omnes
supra dicti tam Clerici quam Laici tan-
quam regi suo & Domino Successive
parebunt in omnibus prout superius
de persona Domini Regis & he-
redum

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redam suorum est expressum.

ITEM ordinaverunt de consensu dicti Domini regis & dicti Domini *Eduardi* fratris sui Quod deficientibus quod absit dictis Domino *Eduardo* & heredibus suis masculis de Corpore suo legitime descendantibus predicti regni Scotie successio ad predictam *Marioram* vel ipsa deficiente ad proximorem hæredem De Corpore Domini Regis *Roberti* linialiter descendantem sine Contradictione Cujuscunq; Revertetur Dum tamen de consensu dicti Domini Regis vel ipso deficiente quod absit de consensu majoris partis communitatis regni dicta *Mariora* matrimonialiter fuerit copulata.

ITEM ordinaverunt quod si predictus dominus Rex decedat relicto herede masculo minore vel dictus Dominus *Eduardus* Germanus suus in casu de ipso loquente simili modo decedat Nobilis vir Dominus *Thomas Ranulphi Comes Moravie* ipsius heredis & regni custodiam habebit quousque communitati regni vel majori parti visum fuerit ipsum heredem ad sui regni regimen posse sufficere.

ORDINAVÉRUNT insuper quod si dicta *Mariora* in viduitate decedat relicto herede minore in casu de ipso
fu-

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Superius expresse ipsius heredis & regni Custodiam habebit Dicitus Comes sicut de heredibus Domini regis & Germani sui in suis casibus est expressum si idem Comes ad hoc suum tunc prebuerit assensum.

SI vero dicta *Maiora* nullo herede de corpore suo relicto aut nullo herede de corpore Regis *Roberti* superstitie in facta decedat quod absit predictus Comes regni custodiam habebit quo-usque Prelatos Comites Barones & alios de Communitate regni ad ordinandum & discutiendum super legitima successione & regni Gubernatione commode poterit convocare si idem Comes ut premittitur voluerit ad hoc consentire.

QUASQUIDEM ordinationes & earum quam libet dominus Rex Dominus *Eduardus Germanus* sive *Maiora* filia dicti Domini regis & Comes *Moravie* predicti, in suis casibus, Ac prelati Comites Barones & ceteri de Communitate tam Clerici quam Laici iuramentis prestitis corporalibus fideliter & inconcusse servare promiserunt & se in jurisdictionem Episcoporum & Prelatorum regni *Scotie* submiserunt ut ipsos & eorum successores per omnimodam censuram Ecclesiasticam possint compellere

Appendix Numb: 24.

lere ad observationem omnium premissorum. Et in hujus rei testimonium & evidentiam tam Dominus Rex Dominus *Edwardus* Germanus suus *Mariora* filia dicti Domini Regis Et Comes *Moravie* supradicti quam Prelati Comites & Barones & Communitatis majores singula sua una cum sigillis Conventualium Ecclesiarum & Monasteriorum Regni *Scotie* huic ordinationi apposuerunt Actum & Scriptum die & loco & anno supradictis.

SIGILLA supradicta Circumcirca sunt appensa viz.

Sigilla.

ROBERTI Regis. *Edwardi* de *Bruis* fratris sui. *Mariore* filie Regis. Comitis *Moravie*.

Sigilla Episcoporum.

EPISCOP: *Sancti Andree*. *Glasguensis*. *Dunkeldensis*. *Aberdonensis*. *Candidie Case*. *Dumblanensis*. *Gattanensis*. *Ergadiensis*.

Sigilla Abbatum.

ABBAT. de *Dumfermelin*. de *Sancta Cruce*. de *Aberbrothok*. de *Kelchou*. de *Londors*. de *Insula Missarum*. de *Balmurenoch*. de *Deere*. de *Newbottel*. de *Cupro*. de *Killofs*. de *Jedwood*. de *Cambuskeneth*.

Sigilla

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Sigilla Magnatum.

Comitis de Fyfe. Patricii Comitis de Marche. Gilberti de la Hayea militis. Roberti de Keth militis. Alexandri Settone militis. Alexandri de Rattraie. Ranulphi de - - -. Michaelis de Wyemes militis. Michaelis de Balfour Vice Comit- tis de Fyffe. Johannis de Enderpepher. Johannis de Logey militis. Christopheri de Incheyreth militis. Davidis de Anandia. Davidis de Balfour de - - -. Thome de Lochor militis. Alexandri de Ramsay de Dalhousie. Nigelli Campbel militis de Lochou. Andree de Moravia. Thome Vichard.

CUM multis aliis sigillis fractis quorum circumscriptiones legi non possunt. Cum multis etiam Prelatorum sigillis absq; ullis inscriptionibus.

Copy of an Act of Parliament in the time of King Robert the Bruce for Security of the Kingdom.

Numb. xxv.

IN Nomine Sancte & individue Trinitatis patris filii & Spiritus Sancti. Amen. Anno ab incarnatione Domini millesimo tricentesimo decimo octavo die dominica proxima post festum Sti Andree Apostoli cum continuatione

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tinuatione dierum subsequen-
tissimo principe Domino *Roberto*
Dei Gratia Rege *Scottorum* illustri
suum plenum Parliamentum apud
Sconam tenente cum Prelatis Comiti-
bus Baronibus ac ceteris de Com-
munitate regni sui Communi consensu
omnium & singulorum predictorum
Inter cetera ipsius regni negotia pro
communi utilitate & securitate ipsius
regni ibidem tractata & ordinata;
Ordinatum fuit in forma que sequitur
viz.

QUOD ipsi omnes & singuli tam
Clerici quam Laici predicto Domino
Regi & heredibus suis tanquam Regi
suo & Domino Ligio parebunt in omni-
bus Quilibet secundum statum suum
& conditionem & fideliter pro viribus
eum assistent *pro Tutitione & Defensione*
Jurium & Libertatum Regni memorati
contra omnes morales cujuscunq; po-
tentie quacunq; potestate autoritate
seu dignitate prominant. Et quod si
quis in posterum quod absit istius ordi-
nationis violator extiterit eo ipso tan-
quam *regni proditor & criminis lese Ma-*
jestatis reus imperpetuum habeatur.

ITEM ordinatum fuit & unanimi
consensu omnium & singulorum pre-
dictorum concordatum Quod si con-
tingat

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tingat quod absit predictum domi-
num Regem sine herede masculo de
corpore suo legittime procreato super-
stite & permanente diem claudere
extremum *Robertus* filius *Mariore* bone
memorie filie dicti Domini Regis ex
nobili viro Domino *Valtero Senescallo*
Scotie marito suo legittime procreatus
eidem Domino tanquam heres suus
proximior & legitimus in ipso Regno
plenarie succedet cui omnes supradicti
de regno parebunt in omnibus & fide-
liter assistent sicut de persona Domini
Regis superius est expressum Cujusqui-
dem *Roberti* vel alterius heredis de
Corpore Domini regis procreati si
tempore decessus dicti Domini Regis
minoris etatis extiterit tutelam five
Curam ac totius Populi & Regni
custodiam de consensu unanimi
omnium & singulorum de Communi-
tate Nobili viro Domino *Thome Ranul-
phi Comiti Moravie & domino Mannie*
Et ipso Comite forsitan medio tempore
descedente quod absit nobili viro
Jacobo Domino *de Douglass* eidem Domi-
nus Rex assignavit quousq; Communi-
tati Regni vel majori & saniori parti
visum fuerit ipsum *Robertum* vel alium
heredem ipsius Domini Regis ut pre-
mittitur

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mittitur ad Regni & Populi regimen
posse sufficere.

QUAM quidem assignationem
TuteleCure & Custodie predicti Do-
minus Comes & Dominus Jacobus tota
communitate expresse approbante
in se susceperunt prestito ad hoc ab eis-
dem tactis sacrosanctis Evangeliiis ac
sanctorum reliquiis magno Juramento
quod predictas tutelam curam &
custodiam bene fideliter & diligen-
ter ad utilitatem ipsius heredis &
Regni ac totius Cleri & Populi gerent
administrabunt facient & manutine-
bunt jura & consuetudines Regni Clero
& Populo fideliter observando & ab
aliis pro viribus observari faciendo.

PROPTEREA Cum aliquibus pre-
teritis temporibus a quibusdam licet
minus sufficienter in dubium fuisset
revocatum Quo jure successio in Regno
Scotie si clara forsitan non extiterit de-
cidi deberet ac terminari in eodem Par-
liamento per Clerum & Populum de-
claratum extitit ac diffinitum Quod per
consuetudinem in inferioribus feodis
seu hereditatibus in regno observatam
cum in successione regni aliqua talis
consuetudo hactenus non fuit intro-
ducta minime debuit seu in futurum
debeat dicta successio terminari Sed
quod

Appendix Numb. 25.

quod proximior Masculus tempore mortis Regis ex linea recta descendente vel masculo deficiente proximior femella ex eadem linea vel illa linea penitus deficiente proximior masculus ex linea Collaterali attento jure sanguinis quo ipsi Regi defuncto Jus regnandi compete-
bat Regi de cujus successione agi forsan contigerit sine contradictione aut impedimento quocunq; in regno debeat succedere quod jure Imperiali satis consonum censetur.

Ad premissa vero omnia & singula fideliter sine dolo fraude aut fictione seu malo ingenio futuris temporibus observanda Episcopi Abbates Priores & ceteri de Clero in forma eis a jure statuta Nec non Comites Barones Milites & libere Tenentes & ceteri de Communitate tactis sacrosanctis Dei Evangeliiis & Sanctorum Reliquiis magnum sacramentum prestiterunt Et in testimonium premissorum SIGILLA sua huic scripto apposuerunt.

Sigilla Episcoporum.

EPISC. Sancti Andree. Glasguensis. Dunkeldensis. Aberdonensis. Moraviensis. Dumblanensis. Rossensis. Cathanensis. Ergadiensis. Brechinensis. Galloviduensis.

[M 2]

Sigilla

Appendix Numb. 26.

Sigilla Abbatum.

ABBAT. de Dumfermelin. de Aberbrothock. de Sancto Andrea. de Melrofs. de Sancta Cruce. de Calco. de Lindors. de Newbottil. de Cambuskenet.

Sigilla Magnatum.

THOME RANULPHI Comitis Moravie. Jacobi Domini de Douglas. Comitis de Ross. Comitis de Mar. Valteri Senescalli Scottorum. Willemi de Soullis. Gilberti de Hayea militis Constabularii. Roberti de Keth Marecalli. Alexandri de Fraser. Alexandri Settone militis: Cum multis aliis Sigillis ita temporis injuria fractis labefactatis & exesis ut dignosci minime queant.

List of some of the Writs concerning the Independency of the Kingdom and Church of Scotland, which were amongst the Records of that Kingdom, and were carried off by Edward the first; or destroyed.

Numb. XXVI.

C H A R T A.

CARTA RICHARDI Regis Angliæ de Redditione Castrorum de Rokesbrug & Beremyk.

CARTA ejusdem facta Regi Scotie de feodo recipiendo, eundo, & reeundo a d Curiam Angliæ. LI.

Appendix Numb. 26.

LITERA ejusdem de Auxilio sibi facto in denariis per Dominum Regem *Scotie* Quod non trahetur in consequentiam.

CARTA *BARONUM* Anglie missa Regi *Scotie* contra *Johannem* Regem Anglie.

CARTA eorundem & Civium *Londonensium* missa Regi *Scotie* contra *Johannem* Regem Anglie.

CONFEDERATIO inter Regem *Scotie* & Barones Anglie.

ADJUDICATIO terrarum *Northumbrie Cumberlandie & Westmerlandie* per Barones Anglie Regi *Scotie*.

CARTA eorundem missa probis hominibus de *Karleol* contra *Johannem* Regem Anglie de civitate *Karleol* reddenda Regi *Scotie*.

CARTA eorundem missa tenentibus de *Northumbria Cumbria & Westmerlandia* contra *Johannem* Regem Anglie etc.

LITERA Majoris et Civium *Londonensium* missa Regi *Scotie* contra dictum Regem.

LITERA *Lodivici* filii Regis *Francie* de Confirmatione charte Baronum Anglie.

ALIA Confederatio inter *Scottos* et *Anglicos*.

Appendix Numb. 26.

LITERA *Lodovici filii Regis Fran-*
cie de Northumberl. Cumberl. et West-
merl.

SCRIPTUM Chirographatum in-
ter *HENRICUM* Regem *Anglie* et *A-*
lexandrum Regem *Scotie* de Comita-
tibus *Northumberl. Cumberl. et West-*
merl. factum coram *Ottone* Legato.

CARTA *Henrici* Regis *Anglie* fa-
cta *Alexandro* Regi *Scotie* de terris de
Penryth et aliis terris in *Cumberlandia*.

CARTA ejusdem Regis de advo-
cationibus Ecclesiarum *Cumber.* facta
Regi *Scotie*.

LITERA Conventionalis facta in-
ter Regem *Anglie* et Regem *Scotie*
super maritagio filie Regis *Anglie*.

ULTIMA Confederatio facta inter
Henricum Regem *Anglie* et *Alexan-*
drum Regem *Scotie* apud *Novum Ca-*
strum de *Tyn* Quod Nullus illorum
movebit guerram contra alium nisi ad
ipsius defensionem.

LITERA *EDWARDI* Regis *An-*
glie Quod adventus Regis *Scotie* ad
Coronationem suam *London* non cadat
regno *Scotie* in prejudicium.

LITERA ejusdem Regis de succur-
su petendo a Rege *Scotie*.

LITERA de Conventione inter
Edwardum Regem *Anglie* et Custodes
Scotie de maritagio Domicelle *Norma-*
gie.

BUL-

Appendix Namb. 26.

BULLÆ PAPALES

BULLA honorii Pape, Quod Ecclesie Scoticanæ immediate sunt Subiecte summo pontifici & Confirmatio privilegiorum Regis & Regni.

SIMILIS Bulla Celestini

SIMILIS Bulla Innocentii tertii

BULLA Innocentii quarti de protectione et confirmatione jurium et Libertatum Regis et Regni.

SIMILIS Bulla *Alexandri* quarti

BULLA Innocentii quarti ne Cause electionum vel alie examinentur extra Regnum Scotie et precipue in Diocesi Eboracensi.

BULLA ejusdem ne quis Clericus vel Laicus de Regno Scocie trahatur extra Regnum per Literas Apostolicas.

BULLA ejusdem super isto Negotio conservatoria.

BULLA Lucii Confirmatoria Libertatum Ecclesie Scotticanæ

BULLA Celestini ut Regnum Scotie non possit Interdici et quod Ecclesie Scotticanæ immediate sunt Subiecte Ecclesie Romane Et quod Nullus alienigena sit Legatus in Scotia nisi quem Dominus papa ad hoc de Corpore suo specialiter Destinaverit.

F I N I S.

